

English educated Ceylonese in the official life
of Ceylon from 1865 to 1883.

By

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Thesis submitted for the Degree of Doctor of Philosophy,
University of London, 1967.

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ABSTRACT

The purpose of this study is to examine the position of English educated Ceylonese in the official life of the island. The pay, prospects, conditions and terms of employment of the natives are some of the main aspects examined in the different chapters. Disputes between European and the native officials regarding their suitability for various services and the general official attitude regarding the employment of natives have received attention.

Chapter I provides an introductory background to educational developments to the end of the period of this study. This has a double importance since recruitment of natives to government appointments was largely dependent on their educational attainments and the teachers were themselves an important section of the educated class. Chapter II examines the effects of the competitive examination on the recruitment of natives to the Civil Service proper. In Chapter III the position of natives in the higher public appointments is discussed. The position of natives in private legal and notarial practice is also discussed in this chapter as this is closely allied with the theme of judicial appointments. Chapter IV deals with Headmen. The first part of the chapter on the Clerical Service deals with the first steps taken towards organizing a unified service, and the second with

further improvements in prospects and with other aspects such as corruption. Chapter VI deals with the police force. The Public Works Department has again been studied in two parts, the second being devoted to native overseers. Chapter VIII examines the position of natives in the Survey Department. In Chapter IX a study is made of the problem of extending pension rights to railway employees. The chapter on the Medical Department traces the development of two parallel branches in the Medical Service.

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ACKNOWLEDGEMENTS

I wish to thank Mr. J. B. Harrison, under whose supervision this thesis was written and from whose valuable guidance and stimulating comments I have greatly benefited. I also owe a debt of thanks to Professor A. L. Basham who supervised my work during Mr. Harrison's absence on leave.

I am much indebted to my teacher, the late Professor H. C. Ray of Vidyalkara University of Ceylon who was always a source of inspiration and guidance to me. Lastly, I wish to thank the Vidyalkara University of Ceylon for granting me the leave and the funds to undertake this study.

CHAPTER ONE

THE EDUCATIONAL BACKGROUND.

The European rulers of Ceylon, whether Portuguese, Dutch or British always required the assistance of a class of native subordinates or co-adjutors in their control and administration of the island. Until well into the nineteenth century, however, that administration was required to do little more than maintain order so as to permit the traditional exploitation of the cinnamon forests and to safeguard the harbours which gave Ceylon its strategic importance. All three foreign powers were content therefore to govern the country through indigenous organs of administration, subject to European supervision from above. The position under the Dutch, the immediate predecessors of the British as masters of the Maritime Provinces has been described thus: "The Dutch retained the indigenous administrative system which the Portuguese had inherited from the Sinhalese kings. Native officialdom consisted of two hierarchies which converged at the top. The Chief Native Officers were at the seat of Government. The Mudaliyars of the Korales or districts who were responsible for the native militia, had under them the Muhandirams, Aratchies and Kanganies commanding the Lascari-ns. The civil authority was exercised by the Koralas of the districts who were assisted by Atukoralas of pattus or groups of villages and Mayorals in charge of single villages. The separate, though coextensive jurisdiction of the Mudaliyars and Koralas, however, created such friction ... that Governor Falk amalgamated the two Officers in the hands of the Mudaliyars".¹ Such native officials were paid no salaries but received grants

1. de Silva, C.R., Ceylon Under the British Occupation I, p.9.

of land. On the conquest of the Maritime Provinces in 1796, the British inherited this system of administration through traditional native officials. Neither then, nor after the conquest of the Kandyan kingdom in 1815, did they make any immediate changes, for the new Central Provinces too were also administered for a time as of old through the Disaves and Ratemahatmayas.¹ While the purpose for which the island was held remained unaltered, and its revenues barely sufficed to cover the costs of administration, there was little temptation to make any sweeping innovation.

From the 1820's onward, however, with the military problem of control of the mountainous interior solved, and British dominance of the Indian Ocean secured, the attempt was made to exploit more fully the resources of Ceylon. From the 1830's the rise of coffee plantations began to transform the economy of the country: "In the modernization of Ceylon the expansion of the plantation agriculture was the key factor; it brought into existence practically every salient feature of modern Ceylon".² The equalization of duties on Ceylon and West Indian coffee, the decline in West Indian production and an increasing demand for coffee in Europe all led to a boom in Ceylon. From 1836 when some 4,000 acres were planted to 1845 when 37,596 acres were under coffee there was a positive mania for coffee planting in the island.³ This was checked by a partial collapse of the market in 1847, but coffee recovered and formed the staple product of the island until the end of the period of our study. Within a few decades of the introduction of this new crop more changes of a fundamental character had taken place than during over two centuries of Portuguese and Dutch domination.

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1. de Silva, C.R., Ceylon Under the British Occupation I, p.165. Disavas and Ratemahatmayas were two grades of Kandyan Chiefs.
 2. de Silva, K.M., Social Policy and Missionary Organizations in Ceylon 1840-1855, p.8.
 3. Mills, L.A., Ceylon Under British Rule, pp.227-230.

The development of plantation industries did not solely affect the economic fortunes of the island. Their growth, under private enterprise helped to sweep away older traditions of mercantilism and monopoly. Their needs led to physical development, the creation of a road and railway network, and to the introduction of medical services. They opened up, with a rather brutal abruptness, Kandyan lands hitherto the least affected by Western and market influences. The importation of Indian labour radically altered the social pattern in the highlands. And of course the wealth they generated helped to finance the modernization of the administration which they required. The implementation of the Colebrooke-Cameron reforms of 1832-33 provided the legal and institutional framework for that modernization.¹ Rajakariya, the traditional system of compulsory labour services rendered to the state by the inhabitants was abolished. State monopolies were discarded as injurious to the growth of commerce. The Kandyan provinces, independent under the Portuguese and Dutch and hitherto separately administered by the British conquerors, were incorporated with ^{the} Maritime Provinces in a common administrative system. A uniform system of judicial establishment was introduced and a Legislative Council, consisting of nine official and six non-official members was created.

With changes such as these taking place it was obvious that the older type of official, represented by the Chiefs and Headmen would no longer prove adequate instruments of British administration. They represented a stage of society which was fast receding. It is true that the British too continued to employ some traditional functionaries such as the Headmen for a long time, as will be seen elsewhere. But that was after their powers

1. Mendis, G.C., Colebrooke-Cameron Papers, I, pp.xxxv111; xl1v.

and functions had been drastically transformed to suit the needs of British administration and Government. What was on the other hand more significant was the rise of new grades and types of native officials who were to perform new functions while also assuming some of those performed earlier by the Headmen. While some Clerks for general duties had always been required, their numbers now grew and the language they employed changed. New departments were created, and new categories of Officers to man them, or old departments such as those of Public Works and the Surveyor-General radically changed their scope under the new impulses generated by the development of the coffee estates. For all these Government departments native subordinates were required, equipped in many cases with new skills, and while it was mainly for the lower grades that they were largely recruited, in certain branches they were found suited for even the most senior positions. Naturally, with the new economic and commercial developments in the urban centres such as Colombo and Galle, and in the estates areas of Kandy, European firms also required natives with a modern education.¹ Since this study deals with the English educated Ceylonese in Government service it is not intended to trace these commercial developments, but they must be seen nevertheless as part of the transformation which began in Ceylon in the 1830's.

As British rule in Ceylon grew away from its first very limited, almost negative objectives it abandoned the system of indirect rule through traditional native functionaries. It set itself new tasks, calling for specifically European skills, and since English was the language of the

1. In 1881 there appear to have been about 2500 Clerks in commercial concerns. How many of them were natives is not known. Ferguson Directory 1883-1884, p.316.

administration, calling for a knowledge of English. An English education thus became the passport to many types of Government employment, and the natives in official positions came to constitute the core of the English educated Ceylonese in the country.

The British East India Company which took over the Maritime Provinces from the Dutch in 1796 had shown little interest in education. Before the conquest, the Dutch Reformed Church had established schools which provided an elementary education in the vernacular, largely for the purpose of spreading Christianity.¹ But as Tennent points out, for some years after the British conquest attention was but sparingly directed to the extension of either Christianity or education.² Thus even the Dutch schools fell into neglect till North assumed the Governorship in 1798, and revived the Dutch parish schools.³ The first sign of any new thought about education appeared in 1799 when Cordiner, the Chaplain, proposed the establishment of "a training school for the sons of Mudaliyars and other chiefs who would supply English speaking officers to the various Government departments". This suggestion was implemented with the establishment of the Seminary at Wolfendahl, the first English-language school in Colombo. Unhappily this and North's other attempts to revive education foundered on a lack of funds. The Seminary was removed to Hultsdorp and turned into a day school on a modest scale. In 1812 it had eighty three Sinhalese, thirty five Tamil and

1. Gratien, L.J., Government Schools.

2. Tennent, E., History of Christianity in Ceylon, p.77.

3. Mendis, G.C., Ceylon Under the British, p.28; Rubern, R., Education in the Colonial Era, p.59.

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forty Burgher boys".¹

While the activities of Government were limited, and its resources likewise, its attention to education was likely to be fitful. It was from the missionaries, therefore, that the next impulse to expand education came. The news that the Christian communities in Ceylon were relapsing into Buddhism and Hinduism owing to the neglect of their schools, spurred Wilberforce and the Evangelicals to put pressure upon the Home Government to act, and at the same time a number of Protestant Missions were established in Ceylon. Because of "the wide-ranging vision of Carey and his Serampore associates the Baptists were the first to begin a continuing enterprise"² but the lead they gave in 1812 was taken up by the Wesleyans in 1814, by the American Mission in Jaffna in 1816 and by the Church Missionary Society in 1818.³ All these bodies set about establishing schools, most of which were vernacular schools in villages. Tennent's belief that in order to "influence the heathen heart, the missionary must commence by awakening the intellect ...",⁴ was fully shared by the early missionaries. Coppleston writing very much later on the three methods of extending the Church, parochial activity, education and preaching and visiting among the heathen, said "Measured by the number of Baptisms to which it leads, the method of schools is found second to none".⁵ Although vernacular schools fitted in with the missionary purposes, better than did English schools, the Missionaries did

1. Of the Sinhalese boys, seventy were of the Vellala caste, while five belonged to the Fisher, and six to the Chaliya and two to the Chando caste. The first was considered the highest caste. Gratian op cit, p.56.

2. Latourette, A History of the Expansion of Christianity, VI, p.221.

3. Mendis, G.C., op cit, p.29.

4. Tennent, op cit, p.142.

5. Church Work in India, p.4.

establish in the early years a number of institutions imparting a superior English education. Thus the Wesleyans founded an English school at Jaffna in 1817, and others worthy of special mention, were established at Vaduk-kodai by the Americans and in 1827 by the Church Missionary Society at Kotte.¹ The main purpose of these schools, as the C.M.S. specified, was to "train Ceylonese for Christian work among their own people", but in the years before the Colebrooke reforms, they provided the best English education available to the natives.² In quantity however, the provision was meagre for the Missions mainly concentrated on vernacular education and Government did very little at all, despite some interest shown by Governor Brownrigg. Nevertheless, as in Bengal, there was a native demand for English education which far outstripped the official supply. And as in Bengal, the demand was met by a remarkable proliferation of private schools. These charged fees, provided a purely secular education and were conducted by individuals on a business-like basis. It is significant that by 1833 there appear to have been 640 such schools with 8,424 children as against 236 missionary schools with 9,274 pupils and 97 Government schools with 1,914 pupils.³ Evidently these private schools were supplying a very practical if mundane need for a knowledge of English among those aspiring to Government or commercial employment.⁴

The appointment of the Colebrooke-Cameron Commission indicated, however

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1. Jaffna Central College, p.13; Ruberu op cit, pp.178; 220.
 2. Balding, J.W., One Hundred Years in Ceylon, p.130.
 3. Ruberu, op cit, pp.235-237; also pp.136-139.
 4. The eagerness to learn English evinced particularly by the Burghers is illustrated by the case of Hillebrand, who immediately after the Dutch capitulation, satisfied his desire to learn English by making the acquaintance of soldiers and "plying them with food and drink". Hillebrand did become a judicial officer subsequently. (Gratiean, op cit, p.40).

that the Colonial Office was prepared to reappraise the position of Ceylon, and the economic changes which began in the 1830's reinforced Government's new readiness to pay attention to the island's educational system. "For Colebrooke", it has been said, "education was to serve two purposes: as a preparation of candidates for public employment, and as an aid to natives to cultivate European attainments".¹ This view sprang from the need to place the finances of the colony on a sound footing, expenditure having exceeded revenue for a number of years, and Colebrooke's belief that the replacement of costly European by native agency was the best way to reduce expenditure. He therefore recommended a more extensive employment of Ceylonese in the administration. "A competent knowledge of the English language should be required in the native functionaries throughout the country. The possibility of future advancement to situations now exclusively held by Europeans will constitute a most powerful inducement with the natives of high caste to relinquish many absurd prejudices and to qualify themselves for general employment. With this view it would be highly expedient that the intentions of the Government to open the Civil Service to Her Majesty's native subjects should be publicly declared".² From these views flowed his proposals regarding education.

It has been seen that both the Government and Missionary schools concentrated their energies mainly on vernacular education. Colebrook realized that a change of policy was required. Referring to the Government schools he observed "Nothing is taught in the schools but reading in the Native languages and writing in the Native character". He thought that the

1. de Silva, K.M., op cit, p.143.

2. Mendis, G.C., Colebrooke-Cameron Papers I. p.70.

British Missionaries had not sufficiently appreciated the importance of diffusing a knowledge of English through their schools and he singled out the American Missionaries for special praise on this score.¹ "The American Missionaries are fully impressed with the importance of rendering the English language the general medium of instruction and of the inestimable value of this acquirement in itself to the people".² A knowledge of English was not however enough. Colebrook pointed out that from the nature of employment open to Civil Servants, some knowledge of the general principles of law, as well as information on subjects of trade and finance would be of great advantage. "There are no means at present of insuring these qualifications in the candidates for public employment, and to aid the disposition already evinced by natives to cultivate European attainments, some support from Government will still be required. It would be unpracticable for individuals, even of the most respectable classes to support the expense of attending the acquirement of a liberal education in Europe ...".³ Accordingly to facilitate the reform of Government schools he propose that they be placed under the immediate direction of a Commission, composed of the Archdeacon, the clergy, Government Agents and other officials. The school masters appointed by the Commission "should in all instances be

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1. As early as 1848 the Batticotta Institution taught science. It had a laboratory. Subjects taught included Natural Philosophy, Optics and Astronomy. It "is entitled to rank with many a European University". (Tennent, op cit, p.178). "Science is taught principally as an auxilliary to the object of propogating Christianity. (Brief Sketch of the American Mission in Ceylon, 1849, pp.7-8).
 2. Mendis, G.C., Colebrooke-Cameron Papers I, p.74.
 3. Ibid, p.71.

required to possess a competent knowledge of English to enable them to give instruction in that language".¹ He also recommended the establishment of a College at Colombo, as desired by the principal native inhabitants of the island. This would give great encouragement to elementary schools and "afford native youths a means of qualifying themselves for different branches of the public service".²

Colebrooke's vision and language might seem prosaic in comparison with that of Macaulay, who would soon be penning his famous Minute of Education in India, but he did consider that an English education was desirable for other reasons than the training of a body of native functionaries. Mendis points out that Colebrooke in his proposals to establish English schools "was influenced by the view held by Englishmen at the time, that Oriental learning was of little value and that a knowledge of English would lead to the moral and intellectual improvement of Eastern peoples. He believed further that a knowledge of English was a necessity for Ceylon to emerge successfully from a feudal into a commercial society and for the people to be acquainted with the modes of thought and ideas of their rulers".³ Thus while stressing the need for educating the native official for Government service, he also saw the process as a solvent of caste and superstitious religion. When commenting upon the need for a superior English educational institution, Colebrooke observed: "Without at present reducing the various appointments now extensively held by Natives ... who from their selection are in general strongly imbued with the prejudices of caste, the

1. Mendis, G.C., op cit, I, p.74.

2. Ibid.

3. Mendis, G.C., op cit, I, p.1x111.

future appointments of Natives to the service of Government should depend upon their having availed themselves of these opportunities of instruction which would be open to them; and upon the disposition to discountenance the prejudices of the people and to co-operate with the Government in its views for the ultimate abolition of all unnecessary and invidious distinctions".¹ The new English educated Ceylonese official would be different from his vernacular educated predecessor not only linguistically, but in outlook, as well. Colebrooke appears to have seen in him an agency for social change.

A School Commission on the lines recommended by Colebrooke was appointed to direct the educational affairs of the island. Initially its attention when not distracted by sectarian or personal wranglings, was mainly turned upon the encouragement of English education. Under Governor Mackenzie (1837-41), however, a vigorous effort was made to extend vernacular education. To this Mackenzie drew upon his experience of education in the Gaelic speaking Scottish highlands and the advice of the Wesleyans who taught very successfully ^{through} the vernacular in Jaffna.² The hope was that through the vernaculars a much wider audience could be reached - and so exposed to the influence of Christianity. In his proposals Mackenzie was careful to show that vernacular education would serve as a preparation for English education, and that existing English schools would be unaffected. Even so his ideas met with stiff opposition in Ceylon and at the Colonial Office from those who thought that "the labour and expense ... might be better devoted to the instruction of the natives in the English languages".³ Their application had

1. Mendis, G.C., op cit, Colebrooke-Cameron Papers, I, p.216.

2. de Silva, K.M., op cit, pp.142 ff.

3. Ibid, p.153.

to wait until 1843, when the influence of the Wesleyan minister, the Rev. D. J. Gogerly with the Governor, Colonial Secretary and Legislative Council secured approval of a much wider extension of vernacular education, in addition to continued Government support for English schools and education.

This shift in emphasis ran counter to deeply held convictions that English was the key to all improvement and Wesleyan support for it drew the hostility of the Anglican Establishment in Ceylon. When a financial crisis hit the island in 1847-48, therefore, the opportunity was taken to undo much of the work initiated by Mackenzie, and carried out by Gogerly. A Committee of the School Commission, appointed in 1847, concluded: "Fully agreeing with the advocates of English education as to the paramount importance of a complete renovation of the native mind, of letting in of new light", it was proper, "to keep up the present system of vernacular schools, but in such sub-ordination and distribution as shall make them essentially subordinate to the English schools".¹ In 1848, while there were 24 Government vernacular schools there were 103 in which the medium was English and the tendency in mixed-media schools was everywhere to neglect the vernacular section.² The next two decades, during which the financial set-back of 1847 was overcome, saw a continued Government emphasis on English education, though not an exclusive one, and a continued demand for such education among the upper and middle classes. By the middle years of the century there were in the island not merely a considerable number of natives in minor Government posts

1. de Silva, K.M., op cit, p.175.

2. This section covering the vernacular experiment initiated by Mackenzie is based on chapter IV of K. M. de Silva's very useful study, already cited.

requiring a knowledge of English, but also a fair number of well educated men who had distinguished themselves in official life. Names like Lorenz, de Alwis, Morgan, Dias and Coomaraswamy represent a generation of Ceylonese who had fully availed themselves of the new western educational facilities. These English-educated Ceylonese reflected one of the most important manifestations of the impact of a half a century of British rule. With such sound fruit of English education in Ceylon, the Anglicist cause might have seemed triumphant and the fate of the brief experiment in vernacular education finally sealed.

From 1865, however, the apparently settled Government educational policy was again subjected to considerable modification, in some respects adverse to higher education in English. Paradoxically the shift was set in motion by an appeal from Coomaraswamy, Tamil member of the Legislative Council, for further improvement of the Colombo Academy, the leading English educational institution in the island. In the course of his speech, Coomaraswamy had criticised at length the working of the School Commission. He criticised the want of any native element in the Commission, declaring, "A native ignorant as he is, must know the wants of his countrymen better than any foreigner. Knowing what the evils are ... he would be able to suggest remedies. He would have satisfied the Commission that what his country now requires, at least in the first instance is not the facility to read and understand the Illiad... but a sound and useful English knowledge ...".¹ He also criticised the domination of the Commission by Christian clergymen, and urged the desirability of having a lay Director of Public Instructions. He then turned to complain of the inadequate vote allowed for

1. Overland Examiner 28/10/65.

education. Out of an estimated revenue of £900,000, a sum of £15,000 was a "paltry sum" to spend on education. In Ceylon they did not have rich natives like Rastomjee Jeejeebhoy or Sankersatt to establish schools and endow professorships. Therefore it was incumbent on the Government to provide a larger vote for education, he declared. "The Merchants and Planters wanted Roads, Railways, Bridges and Tramways. What the natives chiefly require is education. Give the former all they need; only spare a little money to supply the latter their one single and important want - education ...".¹ Nor did Coomaraswamy lose sight of the connection between education and employment. It was "not altogether philanthropy that need commend the cause of education ...; if you would not spend enough for education ... how could you expect to get the efficient clerks and interpreters ..." he asked. Finally, and interestingly, Coomaraswamy turned his attention to the political aspects of education for a colonial people. Here he was rebutting an assertion made in a report of the Central School Commission that "it was unwise to give natives a high class education". He did so by quoting at length an extract from a speech of Bruce Norton, the Attorney General of Madras.² Norton had argued that if ^{empire and education of natives} ~~it was~~ incompatible, then the only course left for the British consistent with justice, honour and humanity was to abandon the empire, for it could never square with their political and religious professions to keep the natives ignorant in order to allow the British to enjoy the rewards of empire. Norton had, in fact, denied that education and empire were incompatible, for "permanence of British rule can

1. Overland Examiner 28/10/65.

2. Coomaraswamy did not specify his source. However the main reports of the Central School Commission for 1864 and 1865 do not contain the statement referred. Apparently he was citing some other source.

only ultimately rest in India upon moral and not physical forces". The empire might rest stable and secure if founded upon the confidence, gratitude, the trust and love of the natives. And if the time came for British rule to end, this would be welcome provided they had educated the natives wisely to govern themselves. This, Coomaraswamy declared, was the answer to the Commission's suggestion that a high class education for natives was dangerous. He had then proposed that a Committee be appointed to review the educational system of Ceylon, the resolution was seconded by Martenz, the Burgher member, and accepted by the Council. A Committee was thereupon appointed consisting of the Queen's Advocate, the Surveyor General, the Collector of Customs, Coomaraswamy and Martenz. They submitted their report in 1867.

The first question considered by the Committee was how far the Government of Ceylon was bound to educate the people. So far as this related to primary education for the people, the obligation of the Government was admitted, said the report. However many who admitted this denied that the obligation extended to higher education. Sendall, the Inspector of Schools had said, "there are many who hold not only that the Government is under no obligation to provide ... any kind of superior education but that a Government if it does this oversteps its legitimate bounds ... The practical evil, it is said, of artificially cheapening high class education is in this country making itself felt more and more every day, in the increasing number of those who having thus acquired a smattering of knowledge which they would never otherwise have dreamed of acquiring, are unfitted for the humble

occupations of their predecessors, swell the ranks of the idle and discontented and prove an element of weakness and possibly of danger in the body politic".¹ From such reasoning Sendall dissented, arguing that in a country like Ceylon any agency other than the Government would be an inferior one. Government would not be doing its duty if it permitted superior education to lapse into the hands of Missionaries. He agreed that it was a serious evil that existing schools were producing a class of shallow, conceited half-educated youths who had learned nothing but to look with contempt upon the condition in which they were born and from which they conceive that education had raised them and who desert the ranks of the industrious classes to become discontented hangers on of Courts and Public Offices. But this had to be mitigated not by abolishing such schools, but by improving them. Concurring with these views the Committee stated that if the bulk of the population was to be educated "we should also educate the middle and higher classes".² They added the practical point that without superior education it would not be possible to supply teachers to impart even primary education.

It will be clear, however, that while the Committee admitted the claims of primary education without question their support of higher education was tepid and qualified by adverse criticism of its results. They went on, indeed, to argue that in view of the great ignorance of the bulk of the population, "vernacular education should be undertaken by the Government on a larger scale than at present". Such education was the only means whereby "the rudiments of knowledge could be conveyed to the mass of the people".

1. Sessional Paper VIII, 1867, p.7

2. Ibid, p.8.

An extension of the vernacular, elementary schools would save money and time, more, it would avoid the evils which the present system of exclusive English education had engendered. The Report cited with approval the views of Father Bonjean, the Catholic Bishop, who held that another great advantage of a comprehensive scheme of vernacular Elementary Schools was the facilities it must afford for the proper selection of candidates for the higher branches of study. If only those boys who possess the right qualification could be admitted to English Schools "it is not likely that our intellectual market would continue to suffer from the plethora which now obstructs it; dolts and block heads would be sent back to the nets and their ploughs before they had put on trousers and boots and before their hands had become soft for those honourable but laborious pursuits".¹

The Committee's strong recommendation for a more liberal scheme of grants to non-Government schools was also in effect a proposal in support of vernacular education, for they obviously had in mind missionary schools, which were mainly vernacular. They argued that much more could be done to promote education if the teaching staff of the Missions would supplement Government effort. Under rules dating from 5th February 1861 grants were given to schools imparting a sound secular education only if any religious instruction offered was restricted to the first hour of the day, with attendance entirely voluntary. Many missionary bodies had objected to this provision and had refused therefore to accept grants. The Committee therefore recommended that the proviso be abandoned, and grants given to all schools imparting a sound secular education, without regard for any religious

1. Sessional Paper VIII, 1867, p.12.

instruction which might be given.¹

This wholehearted support for vernacular education may be taken as a welcome sign of renewed interest in the welfare of the masses, and pedagogically it may well have been a sound approach. But it contrasted unhappily with the Committee's treatment of English education. Here the Committee recommended that the existing English Elementary Schools should be closed down. They retained the Anglo-Vernacular schools and stated that children who desired an English education and were ready to pay for^{it} should be given an opportunity to learn the elements of the English language in them. They insisted, however, that English, like all other subjects, should be taught in the vernacular. They recommended that the Central or Mixed Schools at Galle and Kandy should also be continued, and that attention therein should be concentrated on the acquisition of a competent knowledge of English. But while they suggested that the number of such schools should be increased in fact one of them was actually closed.²

The attitude of the Committee to higher education was most clearly revealed, however, in its proposals regarding the Queen's College and the Academy, at Colombo. The Committee stated its opinion that the Academy, the one superior educational institution in the island, was sufficient and recommended no extension of such institutions. Having thus answered Coomaraswamy's original plea for improvement, the Committee proceeded to recommend the abolition of Queen's College, the collegiate section of the

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1. It should be noted however that the Committee was not entirely favourable to Church and Mission influence upon education. They recommended that the School Commission be replaced by a Director of Public Instruction, so as to avoid sectarian conflicts and the offence to the vast non-Christian population of clerical predominance on the Commission. (Sessional Paper VIII, 1867, p.25).
 2. Sessional Paper VIII, 1867, pp.16-17. See also Year Book of Education, 1966, pp.120-123.

Academy, affiliated to Calcutta University.¹ The Committee pointed out that the desirability of maintaining the College had been questioned as early as 1863, because of the paucity of pupils attending it. They held that the circumstances of the people disabled them from keeping their children long at school. As a rule children were withdrawn at seventeen or eighteen to enter Government or mercantile service as clerks, or to prepare for a profession.² Those who could afford a longer schooling preferred to send their children to England.

If the circumstances of the colony changed and the means of the people improved so as to enable them to keep their children longer, then Collegiate institutions might be established in the future. For the present the Committee held that the College and the connection with Calcutta should be done away with though the lower and upper schools should continue, the former serving as the Central School at Colombo the latter imparting a sound English, Classical and Mathematical education. In place of the connection with the Calcutta University, it was recommended that two scholarships, worth £150 a year for three years and with passage out should be granted to its students to enable them to proceed to England to complete their education.³ "The desire to obtain scholarships ... must induce a large number of students to prepare themselves for the examination", they said, and would be an incentive to the spread of superior learning in the island.

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1. The Academy itself consisted of a Lower and an Upper School to which Queen's College had been super added in 1859.
 2. Sessional Paper VIII, 1867, p.19,
 3. Such a scheme was already working in Mauritius.

The recommendations of the Committee were in the main accepted by the Government, and they became the basis for the educational system in the island for many years to come. A period of rapid expansion began, especially of the vernacular schools in the villages. A new importance was thus given to the vernaculars which led to their development as working languages. The appointment of a Director of Education rendered more effective the State control over educational policy while the abolition of the School Commission reduced the influence of Christian religious bodies. On the other hand the more liberal system of grants paved the way for an unprecedented expansion of denominational schools. For English education, however, the changes undoubtedly marked a set-back, most severe at the highest levels.

That this was so is made clear by the vehement opposition of the English educated Ceylonese to the abolition of Queen's College and the connection with Calcutta University. The proposal was opposed by the non-official Ceylonese when it was discussed in the Legislative Council, and it is significant that of all the changes affecting many other aspects of the educational system, this solitary proposal alone impelled them to memorialize the Colonial Office. The importance attached by them to the question and the arguments adduced by them for retaining the College, raises the question whether this one change had not radically altered the whole trend of educational development in Ceylon.

The first point they made had constitutional implications.¹ They alleged that the Legislative Council had interfered with the free and unfettered consideration of the subject which affected "most intimately the

1. C.O.54.433.72 Robinson to Buckingham 4/4/68.

education of this and future generations". These Europeans who had voted against the affiliation and formed the majority were without any permanent interests in the island. They lacked any sympathy for an institution which could not benefit their children, to whom the advantages of an English University education were available. The memorialists, born and educated in the island had a far greater interest in education than the wealthy residents who formed ^{the} majority in the Council. The only superior educational institution in Ceylon was being sacrificed, and this at a time when in India Englishmen were considering the improvement of an already liberal educational system.

Countering the chief argument for disaffiliation, namely the paucity of students attending the College, they urged that this difficulty had been anticipated at the very foundation of the College. Moreover paucity of numbers was largely induced by the Government itself. A sum of £400 had been voted year after year for an additional master but the post had not been filled. Some of the memorialists personally knew that students had been refused admission owing to lack of staff: indeed, some of the memorialists had themselves had to relinquish studies at the College for that very reason. Moreover, since 1863, there had been a notable improvement in the progress of the College. Before that year not more than one student a year had sat the First Examination of the University, but since then three had sat and two had passed at each examination. The numbers sitting the Calcutta Entrance Examination had also increased: at the last examination fifteen had sat and ten had been successful. In the last nine years a hundred

students had sat the University Entrance Examination, sixty six had passed, eight had passed the First Examination, and one had graduated and had functioned as Second Master of the College. The memorialists also pointed out that at a public meeting on 31st December 1867, a decision had been taken to form an Association for further promoting the College and assisting its students. Present and former students were to make a monthly subscription to create a fund of £1000, from which money would be lent to students to proceed to Calcutta for their Final Examinations. Having thus shown the eagerness of parents to send their children to India, they argued that there would be no such readiness to send them to England. The few who educated their children in England,- there were eight or ten at the time - did not represent the full number of those who were able to afford such an education. There were influential Chiefs, Headmen and Merchants who, for generations, were unlikely to overcome their prejudices against sending their children to England.

Finally as if to reassure the authorities of the harmlessness of educating natives, they drew attention to the fact that only an educated man had the ability and the disposition to stand up ^{for the government which had educated him and vindicate it against the discontented.}

The presentation of the Memorial did not lead to any change in the Government's decision. It is clear, however, that the memorialists were justified in arguing as they did. The numbers using the facilities for higher education were still small, but evidently growing. In fact while the Government was deciding to abolish Queen's College requests were being put to the Committee of Inquiry for the extension of higher education to the Northern Province. The Jaffna branch of the London Indian Society,

pointing to the death of English schools there, asked for a superior college for Jaffna.¹ At the same time a body called the Jaffna Representative Committee urged the establishment of a University in Colombo where graduates might be trained for the Civil Service.² The urge for higher education was present: had the Government given aid and encouragement it must have developed further. In particular, had Queen's College remained in being it seems unlikely that the creation of a University of Ceylon would have been delayed until the middle of the present century.

Why then did the Government act as it did in 1867? There is no explicit evidence, indeed scarcely even the stray remark suggest that serious attention was being paid to the possible political effects of education. Dr. Kingsley de Silva notes that in the forties there was no such discussion of this issue as was then to be found in India, and in our period the same is true.³ After the great rebellion of 1818, there was relative tranquillity in the island apart from the 1848 disturbances. Differences over military expenditure in 1864 led the non-official members of the Legislative Council to resign, and to form the Ceylon League, but the agitation which it conducted was mainly for redress of planter grievances.⁴ Some educated Ceylonese joined for a while and ^{aired} their own grievances on subjects like education and irrigation. But even this agitation in which the Ceylonese were merely auxiliaries, died down with the settlement of the military question in 1867. For any considerable Ceylonese

1. Sessional Paper VIII, 1867, p.150.

2. Ibid. p.120.

3. De Silva, K.M., op cit, p.148.

4. Namasivayam, S., The Legislatures of Ceylon, pp.11; 16.

political agitation one has to look beyond the period of this study.

Was it then that the European Civil Service in Ceylon felt its position threatened? As will be seen in the course of this study, the western educated native was already aspiring to Government employment or a place in the professions. However, the vast bulk of their official appointments were in subordinate grades, while in the medical and legal fields, where recruitment from Europe seemed prohibitively expensive, natives were so far welcome that within the next few years both a Medical College and a Council of Legal Education were set up in Ceylon. If a direct conflict of interest between European and Ceylonese was anywhere feared in 1868 it can only have been in regard to the Civil Service proper. The total number of posts in the Civil Service did not add up to a hundred in 1868, but this was a strictly European preserve, and the only one for which a higher or University education was required. In 1870 it was decided that entry to the Civil Service, for both natives and Europeans, was to be on the basis of a single competitive examination approximately of University standard. With the abolition of Queen's College, Ceylonese lost the one Government institution where education at anything like this level could be obtained. Was the abolition of Queen's College then part of a deliberate design to prevent natives from competing on level terms for entry into the Civil Service? - the answer would seem no. There evidently was some European dislike of the new educated natives, dissatisfied, deracinated, as there was of the "Baboos" in India, and a fear that they were being produced in numbers which could not readily be absorbed, as the Committee's report indicates. But there is no evidence that the abolition of Queen's College was designed especially to

safeguard the Civil Service, and the unimpeded development of Missionary Colleges affiliated to Calcutta University makes it most unlikely that any such design ever existed. Indeed, looking to these developments it would perhaps be as plausible to see the demise of Queen's College, the one lay institution at that level, as due to the pressure of the Church and Missionary lobby.¹ But then how are the Committee's strictures on clerical control of the old School Commission and the appointment of a lay Director of Public Instruction to be viewed? All that is certain is that the abolition of Queen's College did reduce educational opportunities for the natives and that this was resented by them.

During the years which followed the acceptance of the Committee's Report there was a rapid increase in the number of schools in Ceylon, both Government and private. Thus between 1867 and 1874 the number of Government schools rose from 156 to 243, and their pupils from 8,726 to 11,719. Nearly all this expansion was on the vernacular side, however, so that in 1874 of the total of 243 schools 193 were vernacular, 34 were Anglo-Vernacular and only 16 were English schools, teaching entirely in the English language. The growth in Government schools was thus considerable but lopsided. It was upon the development of missionary educational effort, however, that the introduction of a grants system had a most dramatic effect, even in the very first years of the scheme.² So when Governor Robinson closed the

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1. J. H. Marsh, a master at Queen's College complained that the authorities of St. Thomas' College had urged the abolition of Queen's which was affiliated to the Calcutta University, but that from that time onwards, St. Thomas' College had done everything to strengthen their own connection with the University. (C.O.54.457.197 Robinson to Kimberley 31/8/70: Encl. Marsh letter 22/8/70).
 2. In 1872 Bishop Jermyn observed that the position of the education question was admirable. The education of the whole island in Christianity was simply a matter of time and money. "I may take up any Government school I like to make it a Church school with grant-in-aid or I may start a new Church School anywhere I like with grant-in-aid". S.P.G. Mss. Ceylon Letters received Vol. 21. Jermyn to Bullock 22/2/72.

Legislative Council session on 14th January 1871 he could report that whereas in 1869 there had been only 21 aided schools with 6000 children enrolled, under the new system the number of schools had shot up to nearly 250 receiving grants attended by some 10,000 pupils.¹ By 1871 there were 341 missionary and private schools receiving grants, by 1872 there were 402 and by 1873 some 528 and in the latter year some 32,594 pupils attending them.² This process of expansion continued. By 1879 not only were 814 schools receiving grants on aid but the total number of missionary schools had topped the thousand mark.³ Moreover, though the Missions, like the Government, concentrated most of their attention upon vernacular and elementary education, they were also building up a considerable provision of English education. Thus in 1874 though of the aided schools 453 were vernacular, there were also 78 Anglo-Vernacular and 57 English schools, almost three times the number maintained by Government.⁴ The missionaries had not only vastly increased their educational activities but had done so particularly in the sphere of English and higher education.

The most striking instance of Mission interest in English education was the proliferation of collegiate institutions. One of the earliest and most successful of these was St. Thomas' College, founded in 1849 by the Society for the Propagation of the Gospel. This had both a preparatory and a collegiate section: "The Preparatory School was to be a Public School where boys were prepared to enter a College of University standard and the College was

1. C.O.54.462.11 Robinson to Kimberley 14/1/71.

2. C.O.54.477.113 Gregory to Kimberley 3/8/72; C.O.54.540.315 Longden to Kimberley 29/7/82.

3. The distribution was S.P.G. 114, CMS 222, Wesleyan 276, American Mission 136, Roman Catholics 235, Baptist 33; C.O.54.522.512 Longden to Hicks Beach 30/12/79.

4. C.O.54.498.14 Birch to Carnarvon 23/12/75; C.O.54.540.315 Longden to Kimberley 29/7/82.

to train young men in advanced subjects so that they might enter the priesthood, but it was not to be confined to theology".¹ The College developed so rapidly that it came to rival the Government Colombo Academy. By 1863 it was affiliated to Calcutta University, and it was very well placed therefore to take advantage of the abolition of Queen's College. The Church Missionary Society, too, had a number of higher schools. Their seminary in ^{the which was} North, transferred to Chundikul in 1841, became known from 1891 as St. John's College. They also had a high school at Kandy, started in 1857 as a collegiate school with the object of "reading the sons of Kandy chiefs".² Though this initial venture failed, it was re-opened in 1872 as Trinity College and was affiliated to Calcutta University in 1874 for the First Examination and from 1878 for the B.A. Examination. These successes led the Wesleyans too, to enter the field. In 1873 Scott, the head of the South Ceylon Mission, wrote of the Wesleyan English schools: "even in the best of them the children of our more intelligent families cannot complete their education. From all parts of the island Wesleyan lads come to Colombo to finish their schooling" but they had to enter non-Methodist schools for the purpose and so became alienated.³ Shortly afterwards the Wesley College was commenced and in 1876 affiliated to Calcutta University.⁴ In the North,

1. Keble, History of St. Thomas' College, pp.4; 23. A. H. Arndt, A. W. de Mel, W. S. J. Goonawardena and W. H. Solomans graduated after being educated at St. Thomas' College. Arndt was one of the first to pass the M.A. Examination. See also David C., History of St. Thomas' College, pp.40-41.
2. Reiman, V.L.O., History of Trinity College, p.3 ff. Blaze was the first graduate from Trinity College.
3. Wesleyan Mss. Box IX, Scott to General Secretary 13/5/73.
4. The College had a Lower and Upper Division. Science was taught in all classes of the Upper Division. Physical Geography, Physics and Chemistry. In 1877 there were 209 children. The course of studies was modelled according to the requirements of Calcutta University. Wesleyan Mss., S. Ceylon District - Minutes 1877; 1879; 1883.

the Jaffna Central School, another Wesleyan institution was raised to collegiate status in 1870. Since 1867 it had been presenting candidates for Madras University. Richmond College in Galle was also established by the Wesleyans during this period and by 1883 five candidates had passed the Calcutta Entrance Examination. By this time, also, the Roman Catholics had established their own superior institution, St. Benedict's College. The establishment of these various colleges clearly indicates the growth of a native demand for higher education in English, and the establishment of Richmond College in Galle, the Jaffna Central School and Trinity College at ~~Kandy~~ show that the demand had already spread to areas well away from Colombo.

The purpose of the Missions in founding these colleges was primarily religious. But to the natives who sought a higher education at them their function was to open the way to Government or mercantile employment. As early as 1860, Bishop Chapman was lamenting that the St. Thomas' College founded eleven years back, had "become secularised" and that the primary object had been lost sight of. Stock, similarly observes of the Kotte Institution (C.M.S.) founded for training natives as missionaries that, "The better the education the more did the students after getting all its advantages at the Society's expense shirk missionary enterprise and drift away to more lucrative occupations".¹ In this period however the Missions did not abandon their educational efforts, hoping still to wield a religious influence over even those who entered with secular purposes in view.

Indeed, the fact that so many colleges were affiliated to Indian Universities

1. Stock, E., The History of the C.M.S. II, p.282.

and that some colleges even ran advertisements in Ferguson's Directory announcing that they prepared candidates for the Clerical, Medical and Survey Examinations suggests that they were quite ready to use a secular bait to attract students to their institutions.¹

The grant-in-aid system bore remarkable fruit in this very rapid expansion of educational facilities, but it was necessarily accompanied by a great increase in Government expenditure. Since the Government schools were also increasing in number, the total costs rose sharply, from Rs.173,875 in 1870 to Rs.414,249 in 1879.² Therefore, the Government felt the need to apply a check, and Bruce, the Director of Public Instruction revised the code for granting assistance. Longden explained the situation to the Secretary of State: "In the desire to spread education the Department of Public Instruction has been accustomed for a long time to give grants-in-aid to schools for which they were claimed under the rules in force, without paying any regard to the limitation of the vote of the Legislative Council ... It has been apparently held that managers had a sort of vested right to any school they choose to establish ... The effect of this principle would be to allow the unnecessary multiplication of small and feeble schools and to take the control of the expenditure on grant-in-aid schools entirely out of the hands of the Government".³ Since the large

1. Warden Baily of St. Thomas' College stressed the utilitarian role of the College saying that its design was to provide an education preparatory to the study of the professions. The College was intended for "training young men for pursuits of official or mercantile life". (Keble, W.T., History of St. Thomas' College, p.14; See Ferguson's Directory, 1883-84, pp.lxi and xxxv111).

2. C.O.54.523.512 Longden to Hicks Beach 30/12/79.

3. C.O.54.529.283 Longden to Kimberley 27/12/80.

grants to aided schools could only be justified by the maintenance of an efficient teaching machinery, Longden proposed a new code under which a school to qualify for a grant had to achieve a specified minimum average attendance.¹ Further no grants would be given to any new school established within two miles of a previously established school unless it could achieve an average attendance of sixty pupils. Though the missionaries, the Wesleyans in particular, protested that this would hit the more isolated and backward villages, those most in need of education, the new code was introduced in 1880. It did serve as a curb on the expenditure on grants and the unchecked growth of aided schools.

The 1880 code was not however a solely restrictive measure, for it recognised that the Government had failed to act upon the 1867 Committee's recommendations for support for higher education but that the Missions had, and it therefore extended aid to privately fostered higher education. While Bruce was at work, the Jaffna missionaries had written to point out that "... up to the present time the Ceylon Government had not contributed a cent towards the support of higher education so far as aided schools were concerned; Grants-in-aid had been made towards the teaching of the mere rudiments of English education, but nothing beyond. The higher education given by the missionary societies hitherto has been given at their own expense".² A further point was made that though the Education Department had for some years been conducting Local Senior and Junior Examinations

1. The average attendance required in schools situated in -

<u>Towns</u>	<u>Villages</u>	<u>Outlying Districts</u>
Boys' Schools 50	30	15

(Ceylon Government Gazette, 17/12/80).

2. C.O.54.529.283 Longden to Kimberley 27/12/80: Encl. D.P.I's letter.
C.O.54.522.512 Longden to Hicks Beach 30/12/79.

and awarding scholarships on the results, Managers of aided schools were unwilling to enter their best pupils because scholarship winners were required to pursue their studies at the Academy, the Government high school. The Government now acted to remedy these shortcomings. It extended to higher education the system of grants-in-aid, paying five and ten rupees for every subject passed by their pupils at the Junior and Senior Local Examinations respectively.¹ It also allowed those winning scholarships at the Cambridge Junior Local Examination, now substituted for the departmental examination to continue their education at any appropriate college. Since the scholarship to an English University to be awarded on the results of Senior Cambridge, was also thrown open to students of all colleges, the code threw open to all superior colleges "the encouragement hitherto confined to the Colombo Academy".

In one respect, however, the change proved perhaps unexpectedly limiting, for the Cambridge examinations proved to be stiffer than those run by the Department. This had been anticipated by Longden who had expressed to Hicks Beach his belief that the education imparted in the high schools "should be tested by a standard external to the colony itself. Otherwise there is always the danger that the local examiners wearied with constant failure, may yield to the temptation to lower their standard to the capacity of those they examine ...".² But to the managers of the independent colleges, who had welcomed the apparent enlargement of their opportunities

1. Ceylon Government Gazette, 17/12/80

2. C.O.54.522.512 Longden to Hicks Beach 30/12/79.

the reality proved disillusioning. Some managers, such as the Jaffna missionaries considered the Cambridge examinations as altogether beyond the reach of their pupils and Bruce lamented that what was certainly intended as a liberal measure seemed to be regarded "almost as an act of spoliation".¹ One further effect of the abolition of Queen's College, of the introduction of the Cambridge examinations and of the introduction of English University scholarships, was, of course, that the growing links with Indian Universities were weakened and eventually broken. The official stamp of approval placed upon the Cambridge examinations enhanced their value as qualifications for admission to Government service.² As a result higher education in Ceylon came increasingly to be modelled upon the English system.

Finally, in reviewing the effect of the 1880 reforms, note must be taken of the Government's attitude towards the Anglo-Vernacular schools. These schools occupied a middle ground between the vernacular and English schools and away from the towns they were the chief instruments for imparting a knowledge of English. Bruce was averse to the unrestricted increase of these schools and proposed to reduce them from seventy five to forty five. He objected to the indiscriminate conversion of vernacular into Anglo-Vernacular schools and he quoted with approval the criticism of the Vicar General of the Northern Vicariate that "There is such a craving for the acquisition of a knowledge of a few words of English among the people, that wherever there is a vernacular middle school, the master of which knew a little English, some boys will want to learn that language, and the school

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1. C.O.54.529.283 Longden to Kimberley 27/12/80: Encl. Bruce's letter of 19/2/80.
 2. In 1880 twenty one candidates sat for the Cambridge examinations and in 1890 two hundred and twenty three. (Mendis, G.C., Ceylon Under the British, p.88).

will be registered as an Anglo-Vernacular school. Consequently other schools in the same neighbourhood will in self-defence be compelled to teach English and the result will be that the country will be flooded with a lot of young fellows, too conceited for honest work. A little English is a very dangerous thing in this country and will prove the curse and the ruin of the many".¹ The Director held that in Anglo-Vernacular schools English should be taught - and that through the vernacular - only as a sequel to sound instruction in the vernacular, rigorously excluding it from those schools which did not satisfy this condition. He pointed out that in Bengal too the Intermediate English schools, corresponding to Ceylon's Anglo-Vernacular schools, had been "reconstituted on a vernacular basis exactly in accordance with the provisions of the Revised Code and with marked success".² He therefore redefined the aim of the Anglo-Vernacular schools as being to "bridge the gulf which separates elementary vernacular from superior English instruction" and insisted that this aim be not exceeded.³

Meanwhile the need to curtail expenditure was leading the Government to withdraw further from the provision of English education, leaving it more and more to private agency. Rising costs led in April 1881 to a sharp warning from Kimberley, the Secretary of State that "the enthusiastic educationists and clerical managers require a tight hand ... to prevent the

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1. C.O.54.529.283 Longden to Kimberley 27/12/80: Encl. quoted in D.P.I's letter.
 2. Ibid. He cited in support the orders of the Government of Bengal 28/10/78 Section 16 and of 22/10/79 Section 16.
 3. C.O.54.533 Douglas to Kimberley 19/8/81; Encl. Director's letter 2/5/81.

expenditure on education from becoming greater than the colony can bear".¹ To this the Director of Public Instruction replied with a forecast of a further increase: while there were 81,000 pupils in schools connected with the department and another 10,000 in private schools, there were some 400,000 children in the island of school going age, and he envisaged the provision of facilities for 50,000 additional children in the next decade. Taking the average gross revenue of the island as Rs.15,292,440 and net departmental expenditure as Rs.397,214 or 2.6% of the gross revenue, he boldly suggested that expenditure should go up to 5% of the gross revenue.² However, he did make various suggestions for cutting departmental expenditure. He proposed that Government school buildings should be provided and maintained ^{by local authorities}. Grants to aided schools should be based on the expenditure incurred only on the limited items of salaries, furniture, books and stationery and not on the much wider range currently claimed. He also proposed that a share of the cost of Government English and Anglo-Vernacular schools should be met from fees and that English schools should be handed over "wherever practicable to private enterprise supported and controlled by the grant-in-aid system". He pointed out that while the cost per head in a Government English school was Rs.21/40 cents, it was only Rs.11/15 cents in grant schools. He added "Many of the grant-in-aid English schools are admirably conducted and offer an education far beyond that given in

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1. C.O.54.529.283 Longden to Kimberley 27/12/80: Encl. Kimberley's Minute of 17/4/81; C.O.54.529.148 Kimberley to Officer administering the Government 2/5/81.
 2. C.O.54.539.194 Longden to Kimberley 4/5/82: Encl. Director's Letter 21/4/82.

Government schools. The Principal ... in a Mission English school is often a European priest".¹ He therefore strongly pressed for a policy of drawing out the private resources of the people. To this policy of continued but economical advance the Secretary of State gave his approval, but he limited future expenditure to Rs.500,000, that is 5% of the net as opposed to the gross revenues of Ceylon.²

Between 1867 and 1882 the numbers in Government and private schools had risen from 15,000 to 90,000. This was a remarkable achievement. But much of this advance especially at the higher levels, was the work of the Missionaries rather than of Government, for most aided schools were Christian institutions. This meant that the great bulk of the population, Buddhist, Hindu and Muslim, had no alternative but to send their children largely to Christian schools. Hill, an ex-Inspector of schools had commented on this when the Government English schools for boys and girls at Kandy were closed in 1880 leaving parents with no alternative but to send their children to mission schools where there was no conscience clause to protect their children's religious beliefs from being tampered with.³ Longden, justifying the existing system stated that the grants system was in theory impartial and in practice remarkably effectual in extending education. He might also have pointed that wealthy natives not only sent their children to mission schools but were very generous in supporting them with donations, prizes and scholarships.⁴ He did admit, however, that the

1. C.O.54.539.194 Longden to Kimberley 4/5/82: Encl. Director's letter 21/4/82.

2. C.O.54.539.219 Kimberley to Longden 27/6/82.

3. C.O.54.540.315 Longden to Kimberley 29/7/82.

4. One native planter and philanthropist, de Soysa even founded an English College in Moratuwa, the Prince of Wales College.

system was worked almost exclusively by Christians and indirectly helped the Christian Missionaries. He argued that this exclusiveness was inevitable owing to the unpreparedness of the non-Christian natives to make use of a system so wholly new to them. They would require time to learn, to avail themselves of it.¹ In fact, in 1880, however there were only four Buddhist vernacular schools receiving grants.²

There were signs, however, towards the middle of our period of a Buddhist reaction to the Christian pressure, educational and other ^{leading them} to establish printing presses and to publish tracts to further their religious aims. Buddhists also began to enter into controversy with the missionaries and such public debates took place at Baddagama in 1863 and at Varagoda in 1865. The most important debate was that which took place at Panadura on 26th August 1873 between the monk Nigethewatte and the Rev. David de Silva of the Wesleyan mission.³ This debate attracted the attention of Colonel Olcott, and led him later to visit Ceylon. In 1878 Adyar in South India had been made the headquarters of the Theosophical Society, and from here in 1880 Olcott crossed to Ceylon to champion the cause of Buddhism. In the same year, the Buddhist Theosophical Society was formed to establish Buddhist schools and a Sinhalese newspaper, the Sarasavi Sandarasa was started to conduct Buddhist propaganda. In 1886 the first Buddhist English school was founded as a result. Whereas in 1874 Bishop Jermyn could

1. C.O.54.540.315 Longden to Kimberley 29/7/82.

2. C.O.54.539.194 Longden to Kimberley 4/5/82. Buddhists sent their children to Missionary schools largely from educational motives, wrote Bishop Claughton "schools are not now working well as missionary engines. We have to contend with the deeply rooted misconceptions of the native races. They will accept education for their children but undermine the Christianity their children learn and practise Buddhism in secret. We must as yet preach to the parents and not to the children" S.P.G. Mss. Ceylon Letters Received II, Claughton to Bullock 10/7/65.

3. Mendis, G.C., op cit, pp.74-75; 89-90. Buddhist Theosophical Society Diamond Jubilee Souvenir. Capper, J., Full Account of the Panadura Controversy.

declare that "by the testimony of all Buddhism is effete; its hold on the people is as slight as it is possible to be", in 1879 Bishop Coppleston had to admit "Buddhism as a whole is not conquered or near it. It remains in the fullest sense the religion of the mass of the Sinhalese".¹ At much the same time Hinduism was also stirring. By 1872 the Tamil Arumuka Navalar has established a Hindu English school at Vannarponnai and in 1888 the Saiva Paripalana Sabhai or Society was founded and in 1890 the Jaffna Hindu College was established.² If in our period the Christian Missions held almost undisputed sway in the educational field, outstripping even Government in the provision of vernacular and English higher education, the signs that their dominance would soon be challenged by both Hindu and Buddhist were already apparent.

So far in considering the development of the system of education in Ceylon attention has been directed to the primary schools, high schools and Colleges which offered a general education, leading ultimately to a University education. In this period, however, there are several examples of institutions which provided a vocational or specialist professional education coming into being in the island, and to these attention must now be directed.

For some occupations the ordinary schools and colleges themselves provided a sufficient education, and as has been seen colleges were to be

1. Pascoe, C.F., Two Hundred Years of the S.P.G. p.664.

2. Mendis, G.C., op cit, pp.74 ff. Cartmen, J., Hinduism in Ceylon, pp.55 ff

found advertising that they trained^d pupils for clerical appointments, Government and mercantile. For others however, the school system provided the basis upon which specialist teaching would build, as in the medical or legal profession, or to which practical training as in the Public Works Department or Railway Department Factories would be added. This process will be considered in later chapters of this thesis when the work of the various departments is considered, but the development of medical education, the most complete in our period, merits a rather fuller treatment, and since its origin can be traced to missionary enterprise, to treatment here.

During the early decades of the nineteenth century, when general medical duties were in the charge of military surgeons, natives were employed only in the performance of very elementary duties like vaccination.¹ Such native sub-assistants were trained at the Military Hospital. After 1858, with the severance of the Civil from the Military Medical Establishment Ceylonese came to be recruited in larger numbers and for higher posts. But to receive an education to qualify for such posts natives had to go abroad, local training being adequate only for minor appointments.

The first institution to offer a medical training to natives in Ceylon was the Medical School run by the American Mission in Jaffna. This school was established to provide medical care to the missionaries and their families and as an aid to evangelization, but it was also intended to produce practitioners of western medicine who would supplant what was held to be an entirely barbarous and superstitious indigenous medical practice and literature. The natives trained in this school entered the lower ranks of the Government Medical Service and supplied the needs of the Northern

1. C.O.54.54,114 Horton to Goderich 12/12/31.

Province especially during the frequent outbreaks of cholera there.¹ The Report of the Cholera Commission of 1867 stated "Attached to the (American) Mission is a Medical Mission of which Dr. Green is Head in which for many years Native young men have been educated in the science of Medicine and Surgery. A great many most creditable Medical Practitioners have been sent forth by Dr. Green and his predecessors and a few may be pointed out as possessing high professional attainments. A large number of these young men have been drafted into the Government service and placed in charge of field Pioneer Hospitals".² According to the Principal Civil Medical Officer they had given every satisfaction and had proved a valuable means of affording medical aid to the corps of Pioneers. The Report added: "There are also several who are engaged in private practice throughout the peninsular, four of whom according to Dr. Green received an income from private practice amongst the native population of from £30 to £50 a year. All this points to the increasing desire of the Natives to avail themselves of European practice, a feeling which we consider most advisable to encourage".³ The best means of doing this, the Commission advised, was by liberal Government support to the Mission Medical School. Dr. Green had estimated that ~~there~~ at least a hundred medical men could establish themselves in private practice in the Jaffna peninsular, and stated that if the grant to the school were increased from the £50 already granted to £100 he could turn out twelve medical men a year. In view of the value of such men in

1. Out of a population of 314,558, 10,210 had died of the epidemic by March 1867.

2. Report of the Cholera Commission, 1867, p.9.

3. Ibid.

combatting cholera, the Commission recommended that the extra £50 be granted.

However the Jaffna School, even when so supported, proved inadequate to the needs of the Department, especially after it had been re-organized and enlarged in 1866. Though it had been decided to rely on those qualifying abroad privately for filling the higher posts, it was still necessary to rely on locally trained men for the lower posts. In 1870 therefore, Government established the Ceylon Medical School at Colombo, using qualified native doctors for the teaching staff.

With the passing of the Estate Medical Ordinance of 1872 to cope with the medical care of the coolies on the coffee plantations, and even more with the reorganization of the estate medical service in 1878, the potential of the Ceylon Medical School came to be fully realised. The school turned out two classes of students, Licentiates who had studied for four or five years for their Final Examination, and a large number of men trained for a shorter period at a lower level. Licentiates attended lectures on Materia medica, had experience at the General Hospitals and were competent to take charge of hospitals of small districts under an European qualified officer. The other class consisted of those having some training in hospitals for about two years. They were fit for employment as dispensers, dressers and compounders. By 1878 only three Licentiates had been recruited to the coffee districts and the lower grade students had been widely employed. This had created rather a low opinion of the products of the Medical School, which now prompted a re-organization of the institute. In 1878 a new Principal Chief Medical Officer, Dr. Kynsey prepared a scheme for extending largely the benefit of a training at the Medical School to meet the present

great demand for qualified native Medical Assistants.¹ By 1881 the reorganization had so far progressed that the regulations of the School could be submitted to the General Medical Council of Great Britain for approval.

In submitting these regulations Kynsey reviewed the position of the college, and the aims and objects of establishing and developing the institution. Extending the European system of medicine through this means he said would counteract the influence of Vedaralas, or native quacks who attempted to cure diseases by incantations, charms and devil-dancing. Through the benefits of "the modern rational system of medicine founded on the knowledge of the structure of the human body will be placed more extensively within the reach of the people than it is at present."²

Kynsey then outlined the means available for carrying out the course of studies as follows: Firstly there was the College with lecture and dissecting rooms and chemical laboratory, fitted with all the necessary apparatus. A Medical Museum and a Library had been recently built by a wealthy native. The Library had several thousand volumes bearing on all branches of Medicine and was being yearly added to. There was a General Hospital with 210 beds for the medical and surgical cases of which the daily average sick population was 150. It had a special ophthalmic ward, an ophthalmic room and a Training School for nurses. There was a Lying-in-Hospital with 20 beds and an out-door dispensary for women's diseases. This Lying-in-Hospital too was the gift of a wealthy native and had a Training School for Midwives attached. Lectures on mental diseases were

1. C.O.54.512.34 Longden to Hicks Beach 10/12/78; Sessional Paper XXI of 1878.

2. C.O.54.532.48 Douglas to Kimberley 31/3/81: Encl. Regulations of College.

conducted at the Lunatic Asylum and there were similar specialized hospitals for cholera, small-pox and so on. Kynsey then explained that the scheme of reorganization had been drawn up strictly adhering to the requirement laid down by the General Medical Council regarding Preliminary Examinations. A course of studies under a competent staff of lecturers had been planned such as would meet the requirements of most of the licensing bodies of Great Britain and Ireland.¹ Those passing the examinations were to be employed in the subordinate branch of the Medical Service entitled to engage in private practice. Although it was not intended to limit admissions, to avoid the classes becoming too large for instruction a high standard of admission was to be required. The examinations were likewise to be rigid.

According to the regulations there were two classes, a primary and a secondary class. The former was a five years' course after which a student received a Licence in Medicine, Surgery and Midwifery. The latter was a two years' course for training hospital Assistants, dispensers and vaccinators.² For admission to the College there was a Preliminary Examination in general subjects. English Language (Reading, Dictation, Grammar, Composition), Mathematics, Latin, Geography and English History were compulsory subjects. Students entering the Preliminary class were to be charged Rs.50/- per session, there being two sessions each year. There were to be two examinations after entering the College, a Junior and a Senior Pass Examination at the end of the third and fifth years. The Examinations were to

1. C.O.54.532.48 Douglas to Kimberley 31/3/81: Encl. Kynsey's letter of 22/3/81.

2. Ibid. Encl. Regulations of the College.

be conducted by a Board consisting of the Principal Civil Medical Officer, the Colonial Surgeons of the Western, Southern and Central Province and other persons. Students had to get one third of the marks to obtain a pass.

There was an Admission Examination for the Secondary Class in which English, Arithmetic and Latin were compulsory subjects. Those successful had to pass two examinations one at the end of each year. Those successful were graded into three groups, Hospital Assistants, Dispensers and Vaccinators. They could gain promotion from one group to another by re-appearing in the relevant examinations subsequently.

One principal feature of the reorganized scheme was the establishment of a Government Scholarship of Rs.500/- a year tenable for four years. Passage money to and from Madras, Calcutta or Europe, fees and cost of books were also paid. Scholarship winners on qualifying were to be appointed as Assistant Colonial Surgeons.

The lecturers and staff of the College were all medical men employed in the Department as surgeons. In 1881, all but one these men had been trained in Great Britain.

Between 1872 and 1880 36 Licentiates passed out of the institution. Of them twenty appear to be Burghers while ten were Tamils and four were Sinhalese.

With the development of the Medical College, the Jaffna Medical School had dwindled in importance.¹ With the reforms introduced by Kynsey, that school also received fresh encouragement. An attempt was made to co-ordinate it with the Medical College. Special provision was made for

1. Report of Medical Committee, 1878, p.107.

admitting to the Medical College six students nominated by the Principal of the Jaffna Medical School. Students who had attended courses in Jaffna School were allowed certain exemptions at the Medical College. Thus the usefulness of the Jaffna School continued to be recognised for a long time even after the establishment of the Medical College.

The development of the Medical Services also created the need for native nurses. Although the progress in this respect was limited, the first steps towards a proper system of training nurses were taken during this period. On attention being drawn to the subject by the Colonial Office, Kynsey stated that it was one which had caused him considerable anxiety and that he ~~hoped~~^{hoped} to place the system of nursing on a better footing. He proposed the appointment of two trained European nurses, one a mid-wife, so that with their help he could establish a school for training nursing orderlies.¹ Kynsey's request was sanctioned, ~~however~~ by the Colonial Office and a superintendant and a qualified nurse were sent out to establish a school in 1878 and Kynsey reported that "six respectable well-educated young women are now enrolled as pupils. I have little doubt that the attempt to introduce a scientific system of nursing will prove a success ... The training school has been organized after the system introduced by Miss Nightingale in England and I have endeavoured to procure pupils who are willing to take up the work, not so much from necessity as from choice".² Two years later, Kynsey was able to report success: four probationers after undergoing twelve month's training had passed the prescribed examination

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1. C.O.54.508.33 Birch to Carnarvon 1/6/77: Encl. Kynsey's letter 4/5/77.
 2. C.O.54.521.314 Longden to Hicks. Beach 13/8/79: Encl. Principal Civil Medical Officer's Annual Report, 1878.

with credit and were employed as nurses on a small salary with food and clothing supplied. The class of six probationers in training at the time, he said would turn out to be intelligent and careful nurses.¹

In this period the medical profession represented the peak of westernizing achievement in Ceylon. It expected from its native students a basic education which included English and the classical languages, and then superimposed upon that a five year specialist training in western medicine. Not only did it demand much of its native students, but it made a determined effort to provide the teaching, library, museum and laboratories to match that demand. It would be possible to consider here in turn the other professions which required a western education of their native entrants. But all of them would be found to assume a given level of primary and higher education in entrants, provided by teachers outside their own profession. It is necessary therefore to consider the school teachers, upon whose work others built, as themselves forming a profession, for which a training was required and to which Ceylonese might seek entry.

The startling expansion of educational facilities earlier noted, required a corresponding increase in the supply of trained teachers, and it is easy to picture their swelling ranks leading the natives of Ceylon in their westwards march. In fact, of course, since the vast majority of both Government and aided schools were vernacular schools, the teachers required were also predominantly vernacular teachers. In other professions and in Government service, if the Headmanships are taken as a partial exception,

1. C.O.54.545.120 Longden to Derby 24/3/83.

some knowledge of English was usually required. By contrast, from most members of the teaching profession no such knowledge was expected. Thus though the teachers numerically formed a considerable portion of the educated section of the country, they lacked both the influence and the advantages enjoyed by their English-educated fellow Ceylonese. Moreover, somewhat paradoxically, to the extent that English education was also superior education, the average teacher was a relatively less educated person than a lawyer, a medical man or even a Government clerk. Furthermore, since most schools were aided private institutions, the bulk of the teachers did not even enjoy the status attached to Government service.

If teachers lacked status they also lacked prospects. The Committee of 1867 thus recognised that better salaries were necessary to attract teachers and to ensure that they would not leave at "the first convenient opportunity for bettering their prospects in other walks of life".¹ They pointed out that many teachers trained in the former Normal School had left the service because their pay was small and the prospects of promotion hardly worth striving for. Since 1861 there existed an elaborate system of grades, the Committee reduced their number and improved their rewards. Under the new scheme the position was as follows:

<u>School Masters</u>	<u>School Mistresses</u>
1st Class - £120-£180 p.a.	1st Class - £100-£180 p.a.
2nd Class - £ 70-£100 p.a.	2nd Class - £ 40-£ 90 p.a.
3rd Class - £ 40-£ 60 p.a.	3rd Class - £ 18-£ 30 p.a.
4th Class - £ 12-£ 30 p.a.	

It can be seen that the salaries even under the new scheme was scarcely generous. For the lowest class, the bulk of those employed in the vernacular schools, the pay ranged from one third of a rupee to a maximum

1. Sessional Paper VIII 1867, p.22.

of somewhat under a rupee a day, much less than the pay of most Government clerks, initially less indeed than the pay of the messengers in the Survey Department. Even for the handful of senior posts in the superior English schools the rewards were still much more modest, as will be seen, than those awarded to the senior native officials in other Government departments.

Even so the salary structure in the Government school system compared very favourably with that of teachers in private schools. Over these schools Government control was very limited. As Sendall, the Inspector of Schools reported, mission teachers were "miserably underpaid".¹ Indeed in 1882 Bruce was to report that his Department had received complaints that the salaries of teachers in some aided schools were not received at all, though Government grants had been received which were intended to cover these. Some cases had been referred to the Courts. The Missions were often faced with financial difficulties and their determination to extend their schools into the countryside where parents were poorer and less convinced and enthusiastic about the advantages of education, necessarily led to stringent economy, often at the expense of the teaching staff.

Poor salaries went with poor prospects. The cut in the number of Central Schools, the curtailment in the activities of the Academy, the withdrawal of Government from the English Schools, already discussed reduced the proportion of senior appointments in the education service. The vast majority of the Government teachers were paid on the Provisional Establishment and only a few posts - those of the Colombo Academy and a number of

1. C.O.54.533.232 Douglas to Kimberley 19/8/81; Encl. Bruce's letter of 10/8/81; C.O.54.539.194 Longden to Kimberley 4/5/82: Encl. Bruce's letter of 21/4/82.

other leading appointments - were included in the Fixed Establishment. Since officers on the Provisional Establishment were generally not pensionable, the Pension Minute of 26 July 1861 laying down that rule had been amended by a subsequent Minute of 21 July 1862, which extended the right of pension to certain other teachers. But even by the latter Minute only teachers drawing more than £25 a year and who had passed an examination held according to regulations made by the Central School Commission were made eligible for pension.¹ However the examinations ~~was~~ not compulsory: it was held in 1863 and 1864, but as only a few then passed it the examination fell into disuse. By 1879 in the entire department there were only six teachers who had passed the examination and thus qualified for a pension. Again, in 1865, the examinations of Indian Universities had also been recognised as qualifying teachers for pension. Few students who passed such examinations were likely, however, to be attracted into teaching, while after the abolition of Queen's College it became less easy to prepare for them. By 1879 therefore, there were only three teachers who had qualified in this manner for a pension. In 1878, because of the urgent need to increase the number of well trained teachers by making the service more attractive, Government instituted another examination for teachers to qualify themselves for pension rights, and in the first year seventeen teachers passed. In 1879 the Director of Public Instruction pressed that still other categories should be made pensionable, namely those appointed to vernacular schools after passing the elementary examinations held by the Inspector of Schools - there were 189 such teachers - and those who, though

1. C.o.54.520.264 Longden to Hicks Beach 8/7/79.

they might have passed no examination at all, qualified by long service. This proposal, if accepted, would have served to make the profession very much more attractive, but the Governor, Longden, insisted that only those teachers should be made pensionable who qualified by departmental examination. "It is only by such means" he said "that any sufficient inducement can be offered to the existing teachers to qualify themselves".¹ Accordingly the system remained that only those who had already qualified for pension under the various old procedures, or who should pass an examination considered by Government as equivalent in standard to that prescribed by the Minute of 1862, received pension rights. To the end of our period their numbers remained so small as to offer no inducement by example for able and ambitious men to enter the teaching profession.

The failure of the Government to hold out any very encouraging prospect to would-be teachers was matched by an indifference to the standard of their training. K. M. de Silva has shown that one of the key features of the plans of the School Commission in the 1840's when Gogerly was its moving spirit was the creation of a Native Normal School. Unhappily the Normal School, opened on the ground floor of the Wesleyan Mission House in Colombo and placed in charge of the Rev. A. Kessen, himself a Wesleyan, was always viewed by the Anglicans with dislike. With the appointment of the Bishop to the School Commission, a long attack was made upon the Native Normal School. The Bishop failed in his efforts to prevent the employment of teachers trained there, but the retrenchments in 1847-48 saw the Normal classes of the Central Schools abolished, and the Native Normal Institution

1. C.O.54.520.264 Longden to Hicks Beach 8/7/79.

placed under notice. In 1858 the Institution was itself abolished.¹ In 1867 W. Sendall had to report "There does not exist in the island a single public institution where the profession of teaching may be learnt."

Sendall urged the establishment of a Training School for Teachers, and in 1870, on the recommendation of the 1867 Sub-Committee, a Normal School was once again set up in Colombo. Even at this stage, however, Government did not show any great vigour and enthusiasm in the cause of teacher training. At the same time as the Training School was opened, a system of pupil teachers or monitors was also introduced, attractive in its cheapness. Under this scheme senior boys receiving at least one and a half hours instruction per day in school, were used as teachers in their schools for the rest of the day. After working in this manner for three years and passing an examination they were to be considered as qualified teachers. But the system did not work, for the teachers who were to train these monitors were themselves untrained. As a result, the further plan of recruiting students from among the pupil teachers for the Normal School also failed.

In 1879, when the comparative failure of the Normal School was apparent the Government turned to the Missionaries for the training of teachers. As in the case of superior education, the employment of missionary rather than Government agency would not only be more successful but less expensive.² Accordingly it was proposed to encourage the Managers of Grant-in-Aid

1. de Silva, K.M., op cit, p.164 ff.

2. Missionaries realized the importance of Training Schools from before. The Hon. Secretary of the S.P.G. and Diocesan Funds wrote in 1878 "I know of no scheme more important than this last" referring to the establishment of a Training College. (S.P.G. Mss. - Ceylon Letters Received Vol. 21 - Kelly to Bullock 6/3/78; Also Coppleston to Bullock 15/12/76).

Schools to train teachers. Where Training Schools or classes were provided by Managers, an examination was to be held annually for admission of candidates to such schools. The most successful candidates were to be given scholarships of Rs.250 each. The course of training was to extend over two years. The Managers were to receive Rs.100/- for each scholar who passed an examination at the end of the first year, and Rs.150/- for each scholar passing at the Final Examination at the end of the second year. It was hoped to secure a supply of trained teachers (in this manner) so that in time the Department would be able to insist on the employment of nonebut trained teachers in the schools.

The Director of Public Instruction believed that it was possible to reorganize the Government Normal School and place it on a better footing but Longden half-dismissed the suggestion declaring that it would never be able to supply teachers for Government and grant schools.

CHAPTER TWO

The Employment of Ceylonese in the Civil Service Proper (1865 - 1883)

The Civil Service of Ceylon forms a subject of special importance in studying the avenues of employment within the public service open to educated Ceylonese. There were certain branches of the public service such as the Clerical Service, the Headmanships and the Medical Department which were virtually monopolised by Ceylonese. The position was reversed in the case of the Civil Service. Here the European element predominated, and the few Ceylonese who were fortunate enough to enter it were exceptions rather than the rule. Nonetheless, this very fact lends a special importance to the subject. It helps to reveal more effectively the considerations which determined the policy of the British Government in regard to the employment of natives in the higher rungs of the public service. At the same time it brings to light the aspirations of the educated Ceylonese and the incompatibility of these aspirations with some of the policies of the Government.

When the maritime provinces of Ceylon became a Crown Colony in 1802, after their conquest in 1796, a separate Civil Service was established and after the conquest of the Kandyan Kingdom in 1815, those territories too, in due course, came to be administered through the agency of Civil Servants. It was an exclusive service. All vacancies were to be filled by promoting the officers already in the service. Recruitment to the service in the first instance was to be through a system of writerships. Appointments to these writerships were made by the Secretary of State, according to the number of vacancies as reported by the Governor. During the first few years of its establishment there were about 45 officers in the service.¹

A number of important reforms in the Civil Service were carried out by

1. G.C.Mendis: Ceylon under the British p.21.

Governor Maitland in order to increase its efficiency.¹ Civil Servants were prohibited from carrying on private trade, and inducements were held out to those studying the native languages. In 1808 he graded the service into 3 classes. This classification remained substantially unaltered till 1834.

A more drastic reorganisation of the Civil Service followed the investigations conducted by the Colebrooke Commission appointed in 1829. The salaries of the Civil Servants were reduced and their pensions abolished in the case of future appointments. The system of recruitment through writerships was done away with. Vacancies were to be filled up by officers available in Ceylon or appointed from home. The service was thrown open to all competent English speaking natives or British Colonists in Ceylon. Thus the exclusive character of the service was to be eliminated. These changes, however, were shortlived. With the reforms of Lord Stanley, the Secretary of State, in 1845, the pensions were restored and the system of recruitment through writerships was re-established. Vacancies were to be filled by the promotion of officers already in the service and not by outsiders, thus going back to the principle of an exclusive Civil Service. Once again the salaries were increased in 1858.²

As a rule the principal revenue and judicial appointments were generally held by members of the Civil Service. Apart from these appointments, falling within what is often termed the Civil Service Proper, there were a number of other superior appointments falling outside it which, nevertheless carried salaries and conditions of service somewhat comparable to those of the Civil Service.³ These latter appointments with salaries ranging from

1. G.C.Mendis: Ceylon under the British p.24.

2. Mills: Ceylon under British rule pp.79 to 90.

3. C.O.54.434.114 Robinson to Buckingham 23/5/68

£200 onwards included such posts as the Judgeships of the Supreme Courts and other Superior appointments in various departments like the Survey Department, the Public Works Department, the Queen's Advocates' Department and the Ecclesiastical Establishment. However while the Civil Service proper was an exclusive service, which could be entered only by means of writerships and prescribed examinations, the admission to these appointments outside it called for no equivalent requirements.¹

During the period under survey, the prospects of the Civil Service proper and the question of recruiting Ceylonese for it received considerable attention.² In 1866 the subject assumed a special importance as a direct sequel to a series of memorials presented to the Secretary of State by the higher grades of public servants asking for increased salaries.³ The member of the Civil Service, in a memorial, drew attention to the inadequacy of the existing salaries and submitted their reasons for making the claim. They pointed out that they had not received any increase of salary since 1858, when the last revision took place. Moreover, the salaries of Government Clerks had been raised since then by an increase of 16% in 1864. Meanwhile, there had been "a great increase in the general cost of living". The prices of provisions and the rates of servants' wages had gone up. They also drew attention to the improved conditions of the Colony and the increased revenue which enabled the Government to grant their request. Lastly these memoria-

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1. In 1868 there were 84 appointments belonging to the Civil Service proper, and 198 other superior appointments carrying salaries of over £200, but not belonging to it. (C.O.54.434.114. Robinson to Buckingham 23/5/68).
 2. Hereafter the term Civil Service will refer to the Civil Service proper as against the other category of superior appointments not belonging to it.
 3. C.O.54.415.228. Robinson to Carnarvon 12/10/66.

lists pointed out that the continued progress of the Colony had increased their responsibilities, making their claims justifiable.¹

The Governor, Sir Hercules Robinson, in forwarding the memorial took a favourable view of the claims of the Civil Servants. He agreed that the cost of living had risen in recent years. He acknowledged that large increases had already been granted to officers of the Public Works Department and the Police Department. A scheme for revision of the rates of pay of the Medical Department was receiving the attention of the Secretary of State. He recognised the ability of the Colony to pay the increases asked by the Civil Servants.² He recommended, therefore, an increase of their pay by 25% or 30% involving respectively £24,195 and £29,034 increases in the annual budget.³

Besides the Civil Servants, memorials on similar lines were submitted by the members of the Executive Council, the officers of the Surveyor General's Department, the Judges of the Supreme Court, the members of the Ecclesiastical Establishment, the officers of the Queen's Advocate's Department, etc. On the whole the claims of these officers were also supported by the Governor.

The Secretary of State, however, refused to grant any increase and disagreed with Robinson's view of the matter. He pointed out that although it was true that the revenue of the Colony had risen during the past ten years or so, the total charges of the Civil Establishment had also correspondingly increased during the same period from £187,317 in 1857 to £311,575 in 1867. Between these two years the cost of the Civil Establishment had

1. C.O.54.415.228. Robinson to Carnarvon 12/10/66.

2. While the average revenue for 1856 and 1857 had been £520,000 the average for 1864 and 1865 was £933,000.

3. C.O.54,415.228 Robinson to Carnarvon 12/10/66.

increased at almost the same rate as the revenue, being about one third of the revenue in either year. He did not consider it satisfactory that the cost should increase in this way "as fast as a rapidly increasing revenue".¹ Even in the easy state of the finances, then existing, the rise in the salaries asked for would impose a "very onerous and altogether inadmissible burden" on the revenue.²

Replying^{to} the argument of the memorialists that the cost of living had increased, thus justifying a rise in their salaries, the Secretary of State observed that, in the case of gentlemen enjoying the position and emoluments of the memorialists, the cost of living could not be increased simply by servants' wages, cost of provisions and house rent. Although the prices of certain articles had increased, there was no reason to conclude that the increase had gone beyond what these officers might be fairly expected to meet out of their current salaries. Moreover, the rise in prices of most of the items represented "only a rise from former cheapness to something like European prices and the rise in servants' wages, a rise to rates far below those of Europeans".³

Thus the claims of these public servants were rejected. However, they had one unexpected but salutary effect. In considering the memorials the Secretary of States' attention was diverted to another aspect of the question which had been overlooked by the local Government. The officers who had urged these claims were for the most part Europeans. The number of Ceylonese in the Civil Service or in other superior appointments was small.⁴

1. C.O.55.115.70. Buckingham to Robinson 17/3/68.

2. C.O.55.115.70. Buckingham to Carnarvon 17/3/68.

3. Ibid.

4. See page 63

Any increase of salaries conceded in such circumstances would have meant, in effect, only a further improvement in the prospects of the European officers, who were already in receipt of the highest salaries in the Colony. It could not benefit the vast majority of the native officials who held humbler appointments.

This fact did not escape the notice of the Secretary of State. He pointed out that in considering the question of increasing salaries, the Home Government was struck by the fact that "the more expensive description of official agency, the European, appears to be increasing and native agency appears to be gaining little or no ground in the better class of civil appointments".¹ Therefore he requested the Governor to direct his attention to "the position of natives in the public service and to consider whether they may not be brought into higher civil appointments than they are at present admitted to - a course alike recommended by motives of economy and of justice to the native races".² Far from increasing the existing salaries, the Secretary of State seems to have considered the possibility of curtailing them further by the increased employment of Ceylonese. Thus the question of employing Ceylonese in the Civil Service assumed in the eyes of the Secretary of State a dual significance. It was a question of economy as well as of justice to the natives. There were however serious implications in accepting the suggestion. They had been overlooked by the Secretary of State. Robinson pointed them out in his reply to Buckingham.

Robinson made a detailed analysis of the public service in stating his reasons for disagreeing to the proposal.³ There were, he pointed out, 1084

1. C.O.55.115.70. Buckingham to Robinson 17/3/68.

2. Ibid.

3. C.O.54.434.114. Robinson to Buckingham 23/5/68.

appointments in the public service. Of these, 282 were superior posts carrying annual salaries of £200 and above. 92 of these were held by natives (i.e. Sinhalese, Tamils and Burghers), 49 by local Europeans (i.e. sons of old European public servants or European Colonists born in the island) and 43 by Europeans entirely unconnected with the country. Thus one third of the 282 higher appointments were in fact held by natives.

However, all these 282 appointments did not belong to the Civil Service. Robinson therefore further analysed them, showing the extent to which Ceylonese were employed in appointments within the Civil Service and outside it respectively. He stated that 84 of the 282 appointments belonged to the Civil Service while 198 were outside it.¹ Taking the latter 198 first, he observed that there was nothing to prevent a native aspiring to any one of them, if duly qualified. 82 of them constituting over 40% were occupied by natives. However, he considered it "unlikely that for many years to come natives will be found fitted for such appointments as Bishop, Principal of Queen's College, Inspector General of Hospitals, Inspector General of Prisons, Inspector General of Police, Surveyor General, Director of Public Works and for the heads of several other Departments requiring professional training and experience".² In regard to the 84 appointments in the Civil Service itself, the position of natives was less satisfactory. Only 10 of these posts were held by natives while 32 were occupied by the sons of old European Colonists and public servants born in Ceylon. Grouping together the 10 natives with the 32 local Europeans, Robinson maintained that exactly one half of the posts in the Civil Service were held by men with "strong

1. Of these 198 posts at least 51 were professional appointments in the Medical, Survey and Public Works Departments. Only a very few were of an administrative character.

2. C.O.54.434.114. Robinson to Buckingham 23/5/68.

local claims" and that the other half were held by Europeans unconnected with the island. In grouping the natives and the local Europeans together, he seems to have been at pains to press home to the Colonial Office the point that the exceedingly modest proportion of natives to Europeans was counterbalanced by the large number of local Europeans. In justification of this distinction which he was trying to draw between the local and foreign Europeans he asserted that "an European public servant who has made the island his home and devoted his life to the service of the country, has at least as strong a claim for employment for his children born in the island, as a native whose sole claim consists in his belonging to an Asiatic race".¹ Nevertheless this disposition on the part of Robinson to gloss over the comparative paucity of natives in the Civil Service by recourse to a rather laboured attempt to distinguish between the claims of local and foreign Europeans does not appear to have carried much conviction even at the Colonial Office.²

However, Robinson was in favour of allowing the Status Quo to continue in view of these circumstances. Under the prevailing system, the Governor had the right of nominating candidates to one half of the vacancies of writerships in the Civil Service. The Secretary of State nominated to the other half. The natives and local Europeans received nomination generally from the Governor while the overseas Europeans were nominated by the Secretary of State. Robinson asserted that any reduction in the proportion

1. C.O.54.434.114. Robinson to Buckingham 23/5/68.

2. An^{un}initialled comment (in pencil, on the margin of the Governor's Despatch) by an official of the Colonial Office characterises the distinction as "pure rubbish". Dissenting from the contention of the Governor that the sole claim of a native to employment consists in his belonging to an Asiatic race, the writer states that the claim lies in the fact that "Ceylon is his". (C.O.54.534.114. Robinson to Buckingham 23/5/68).

of nominations by the latter was not desirable for the time being at least. The right of nominating candidates to one half of the vacancies "enabled the Governor to satisfy the fair claims of all qualified natives and local Europeans while the introduction into the service of young English gentlemen unconnected with the island, possessed of higher educational attainments than could be found among the local applicants is an unquestionable advantage to the public service".¹ Here the Governor was on firmer ground, for, as will be seen later, the educational attainments of the Secretary of State's nominees as well as the character of the examinations they had to pass were superior to those required of local candidates.²

Another and more important reason adduced by Robinson in support of his position was that a large proportion of the appointments in the Civil Service involved political and revenue duties which could not be properly entrusted to natives. They could be appointed only to Judicial positions, but these were limited in number.³

While thus dissenting from any suggestion to extend the employment of natives, Robinson at the same time maintained that the Ceylon Government had been liberal towards them.⁴ The Executive Council also agreed with him and resolved unanimously that the claims of natives had for years past received the most liberal consideration of the Government. The case made out by the Governor appears to have been on the whole accepted by the Colonial Office,

1. C.O.54.534.114. Robinson to Buckingham 23/5/68.

2. See pp. 66.-67

3. A more detailed discussion of this problem is found in chapter III

4. Robinson stated that during his Governorship 13 writers had been appointed in all, of whom 2 were natives and 9 were local Europeans. 7 natives had applied for writerships up to 1868. Of these 2 had been selected, the third had failed the examination and the fourth withdrew. The remaining 3 were still on the list. (C.O.54.434.114. Robinson to Buckingham 23/5/68).

and the matter was not pursued by them at least for the time being.¹

However, the issue was not to be shelved for long. It was re-opened, this time in a new form, on the direct initiative of a senior Civil Servant holding a leading appointment in the Colony. The Assistant Colonial Secretary, J.F. Dickson, in a letter to the Government made certain complaints regarding the mode of examination adopted in recruiting Civil Servants. The sequel was a long drawn out controversy which eventually severely affected the prospects of the natives.

As already stated, the nominations for writerships in the service were made partly by the Secretary of State and partly by the Governor, the overseas candidates seeking nomination from the former and the local Europeans and natives from the latter. There was, however, no uniformity in regard to the mode of examination adopted for making selections from these two classes of candidates. The nominees of the Secretary of State had been required to pass a competitive examination from 1857 onwards.² This examination was conducted by the Civil Service Commissioners. The Governor's nominees, on the other hand, did not have to pass any examination up to 1863. From that year they were required to pass an examination, which however was non-

1. Strachey in a minute of 28/7/68 acknowledged that liberal treatment had been meted out to the natives, according to Robinson. He however suggested that the Governor's Despatch be published, as a public discussion of the subject would throw much light. Dissenting from this suggestion Rogers discreetly observes that a subject "so likely to cause jealousy and irritation as the employment of natives and increase of salaries is best asleep". Moreover the publication of the document would injure Robinson's credit in the Colony by "making the natives feel affronted by his comments on them". (C.O.54.434.114. Robinson to Buckingham: ^{23.5.68} Minutes of Strachey and Rogers).

2. Between 1845 and 1856 the nominees of the Secretary had been required to pass the Haleybury Entrance Examination taken by candidates for writerships in the Indian Civil Service. (Mills: Ceylon under British rule pp. 84-89).

competitive. The Secretary of State's nominees were thus subjected to a more rigorous test than those of the Governor. It was against the injustice thereby done to the oversea candidates that Dickson complained in his letter.

Tracing the history of the issue he stated that as early as 6th December 1862, the Civil Service Commissioners had expressed agreement to a scheme of examination which subjected the Governor's nominees to a test similar to that which the Secretary of State's nominees had to undergo in England. Such a scheme was necessary both for the efficiency of the public service as well as in consideration of the expectations of individual officers. The minute of 3rd March, 1863 had introduced a non-competitive examination.¹ Even so, this examination was not similar to that taken by oversea candidates. He asserted that comparison of the curriculum of the two examinations would bear him out.²

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1. Dickson had raised the question of the disparity between the two examinations earlier in 1860. As a sequel to this, the then Governor MacCarthy had appointed a Commission to go into the question. It recommended a considerable modification of the rules. The Eighth Report of the Civil Service Commissioners (1863) had also agreed that the disadvantages to which the Secretary of State's nominees were subjected should be removed. They acknowledged that a person educated in Ceylon could attain with very little effort a position which it took a European months of hard work to qualify for. But though the changes of 1863 technically removed the grievances to some extent, they continued in practice, states Dickson in his letter of 16th March, 1868. (C.O.54.435.161. Robinson to Buckingham 26.6.68).
 2. I. The competitive examination for the Secretary of State's nominees had two parts; a preliminary and a final examination.
 - (A) Subjects for the Preliminary Examination: (1) Handwriting (2) Arithmetic (3) Precis (4) Translations from Greek, Latin, French, German, Spanish and Italian.
 - (B) Subjects for the Final Examination: 3 of the following subjects to be selected by candidates (1) Language and Literature of Greece and Rome (2) Modern History including that of the British Colonies (3) English Composition to test purity and accuracy of style (4) Elements of Constitutional and International Law & Political Economy (5) Pure and Mixed Mathematics, Geology, Chemistry and Civil Engineering.
 - II. Subjects for examination of Governor's nominees: (1) English Composition to test accuracy and purity of style (2) Accountancy, Book-keeping and Arithmetic (3) Euclid Books I to VI (4) Geography (5) Any one of the following (a) Greek, Latin, French, German or Sanskrit (b) Modern History including British Colonies in India (c) Elements of Constitution and International Law (d) Elements of Political Economy (e) Pure and Mixed Mathematics.

Further, of those appointed on nomination by the Secretary of State, all except two had received an education of a high order. But the same could not be said of those nominated by the Governor, as they were too often locally educated. Moreover, the oversea recruits were employed in a strictly foreign service, while the local recruits served in the country of their adoption or birth. Dickson complained that despite these differences, the two classes were mixed up together, "the educated Englishman having to rank side by side and take promotion step by step with the half-educated Native and draw the same rate of pay".¹ He asked whether, if the natives were fit to fill the various Civil appointments, the Imperial Government would want to send out Englishmen. On the other hand, "the very fact that Englishmen are annually sought at the Universities to compete for writerships is sufficient evidence that the Natives and residents in Ceylon are not ... equal to undertaking the Civil Administration of the Colony. And yet ... the Englishmen and Natives are put ... on a level; and no credit is allowed to the former on account of his superior education and of his possessing those qualities (usually wanting in Asiatics) which are essential to a good Administrator - fearlessness, integrity, the faculty of judging and controlling men and ... the power of inspiring Natives with a belief in his honour and integrity".²

There were, according to Dickson other considerations too which placed the oversea recruits at a disadvantage. They had to provide for periodical visits to England, and for the education of their children in England in addition to bearing the double expense of maintaining two homes, one in England and the other in Ceylon. Natives had none of these extra expenses

1. C.O.54.435.161. Robinson to Buckingham 26/6/68: Encl. Dickson's letter of 13.6.68.

2. Ibid.

to provide for but were nevertheless paid alike. The services of the native should be obtainable on cheaper terms than those of Englishmen, he asserted. For, if the salary of the Englishman was sufficient, then the native was overpaid. On the other hand if the salary of the native was only sufficient then the Englishman was underpaid. If the services of natives could not be secured at cheaper rates of pay, why should they be employed when better men were available in England, he asked.¹

Dickson even went to the extent of complaining that there was official discrimination in favour of natives. The Government, he observed, was so "anxious ... to avoid all suspicion of passing a man over because he is a Native, that Natives are often promoted in their turn according to seniority, simply because they are Natives".² This naturally produced discontent among the Civil Servants recruited from England on the understanding that merit would ensure promotion, seniority being only a nominal condition. The large number of natives in the service and the close adherence to the principle of seniority were fast reducing the service to "a dead level of mediocrity". To relieve the better educated portion from this unfair position he proposed the introduction of one common examination for both the Governor's and the Secretary of State's nominees.³ He also wanted much less weight to be attached to seniority.

It was only recently that the Secretary of State had expressed concern at the limited extent to which natives were being recruited to higher appoint

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1. C.O.54.435.161. Robinson to Buckingham 26/6/68: Encl. Dickson's letter of 13/6/68.
 2. C.O.54.435.161. Robinson to Buckingham 26/6/68: Encl. Dickson's letter of 13/6/68.
 3. Dickson proposed that for every vacancy of writer, the Secretary of State and the Governor should nominate 3 candidates each. The examination should be held simultaneously in Ceylon and England and the best candidate be selected.

-ments. Now Dickson had gone to the other extreme by expressing the fear of an unduly large native element threatening the prospects of the others in the service. This divergence of opinion reflected to some extent the conflicting interests involved in the question of the increased employment of natives. Dickson's complaint, however, was directed against the easier mode of admission open not only to the natives but to the local Europeans as well. In fact, as indicated earlier, the actual number of natives in the Civil Service was relatively quite small. The local Europeans on the other hand formed a considerable proportion of it. Thus it was the latter who had, if at all, swamped the service more than the natives, to the detriment of the recruits from England. It was therefore but natural that any suggestion to raise the standard of the examination for the Governor's nominees should be unfavourable to the local Europeans as to the natives.

Robinson, in submitting to the Secretary of State the proposals of Dickson, agreed that there was much force in the complaints made by him. It was "hard that there should be a high and low examination for entrance into the same service and that the two classes ... should subsequently be placed on a par as regards pay ... and promotion".¹ But he pointed out that the difficulty was to find a remedy without wholly ignoring all local claims to employment. He accepted as indisputable the superiority of the Secretary of State's nominees to his own. In fact if he were to consider the interests of the service alone he would recommend that nominations should be made by the Secretary of State only in all cases. Such a policy however, he said, would be in direct opposition to that recently enjoined on him by the home authorities. His only objection to the proposal to have a single uniform examination was that "for several years to come it would practically result

1. C.O.54.435.161. Robinson to Buckingham 26/6/68.

in the exclusion of all local claims".¹ But he recognised that eventually the proposal might induce local parents to give a better education to their children, making them competent to enter the service on equal terms with oversea candidates.

At the Colonial Office opinion on the subject was somewhat divided. The observations of some of the officials provide a valuable insight into their attitudes. Sir F. Rogers pointed out that the competitive examinations were not adopted in the case of the Governor's nominees as it was "desirable to give the natives ... a share in the Government ... so far as this could be done without any injury to the efficiency of the service".² Further the existing system mitigated "the appearance of ruling by a closed bureaucracy".³ This was the only justification for a system which to some extent sacrificed the efficiency of the service. It did not justify, however, the appointment by the Governor of the sons of official and unofficial European residents in the island. Therefore he held that candidates of English origin nominated by the Governor should be subjected to the same rules of competition as those nominated by the Secretary of State.⁴ C. Cox, on the other hand, considered that Dickson's proposal would defeat the purpose of nomination by the Governor. A lower examination had been adopted for his nominees, to enable him to appoint sons of residents and natives and "reward old public servants".⁵

1. Ibid.

2. C.O.54.435.161 Robinson to Buckingham 26/6/68: Roger's Minute of 12/8/68.

3. Ibid.

4. Elliot, another official, also agreed that it was unjustifiable to introduce inferior persons into the service "in order to confer a favour on their fathers", whether public servants or not. He was in favour of abolition of nomination by the Governor. (C.O.54.435.161. Robinson to Buckingham 26/6/68: Elliot's Minute).

5. C.O.54.435.161 Robinson to Buckingham 26/6/68: Cox's Minute of 10/8/68.

The Secretary of State himself agreed on the whole with Dickson that there should be one examination for both classes of candidates. The time had arrived, he wrote, when it was no longer desirable to maintain a double standard of examination for the two.¹

The claims of the native and local European candidates, however, were not to go by default. It appears rather surprising that a strong defence of their claims should have been made by the Executive Council, which consisted of the senior-most public servants in the Colony, who were themselves almost all Europeans. However they upheld the claims of the local Europeans as well as the natives. A single competitive examination would adversely affect the former as well as the latter. This perhaps in part explains the Council's keen interest in the claims of the local candidates.

They submitted in the form of a minute their reasons for considering the proposed change as unwise and inexpedient.² It was pointed out that the home Government had always recognised the claims of natives and settled residents of the Colony to "a fair share of the Government patronage". Accordingly, they asserted, the Governor had been allowed to nominate candidates to the service. The history of the service showed that the present arrangements were based on a wise and just policy. "Abstractedly the children of the natives and settled residents and officials have claims, which candidates selected in England have not".³ Moreover a well founded hope that

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1. C.O.55.115.292. Buckingham to the Officer administering the Government 8/12/68.
 2. This minute of 5/3/69 was signed by the following Councillors: S. Hodgson, W.C. Gibson, R. Morgan, Templer and T.B. Stephen. The Council at the time had been presided over by Hodgson in the absence of the Governor.
 3. C.O.54.445.17. Robinson to Granville 6/7/69: Encl. Minute of 5/3/69.

their children might, if qualified, obtain honourable official rank was a strong inducement for Europeans to make Ceylon their permanent home and not regard it merely as a place "where money is to be scraped together ... and whence they are to hurry back to Europe at the first opportunity".¹ They referred to the political expediency of employing natives themselves in the service. The hope of employment was "a very effective incentive" to the loyalty of the natives to the British Crown. Persons connected with the island also possessed a superior knowledge of the country. Their ability to win the confidence of the natives rendered them "a more valuable means of reaching the population than an utter stranger fresh from England".² Given the necessary general education a person connected with the Colony by ties of birth and having "the name and tradition of friends long resident in the Colony to sustain" was more likely to be a useful officer than one sent from England (*Ibid*). Dividing the patronage equally between oversea and local candidates would ensure contentment within the ranks of the service. On the other hand, they urged that the proposed competitive examination would impede if not effectually bar the admission of local candidates for a considerable time to come.

They next pointed out that a uniform system of recruitment could not be adopted for both classes of candidates as their circumstances differed. The Secretary of State was not hampered by the considerations which influenced the Governor in his choice of candidates. The former had a large field from which to choose his nominees. Moreover, overseas candidates did not have any special claims on the Colony. Thus the Secretary of State might impose on them any terms he pleased. Accordingly a competitive examination had been

1. C.O.54.445.17 Robinson to Granville 6/7/69: Encl. Minute of 5/3/69.

2. *Ibid*.

adopted in their case. The position was different in the case of local candidates. The field of selection available to the Governor was limited. The very constitution of Colonial Society, they pointed out, compelled him to pay regard to considerations other than mere scholarship. "The lad who may come up best in one examination may not be in view of his birth and position the most suitable man to place in an office of trust, or the man most likely to secure the respect and confidence of the natives".¹ Thus a test examination was preferable to a competitive one. Somewhat paradoxically however, the Councillors, while upholding the claims to equality of patronage as between the local and oversea candidates, readily recognised distinctions of "birth and position" in making recruitments from the former class. In fact they were urging the claims not of the local candidates as a whole, but of a particular section among them - men of "birth and position". Making their position more explicit they continued that "cases may arise in which as a matter of policy it may be desirable to appoint the son of an influential native to the Civil Service - one who although he may not have been in England, yet may show his ability ... by passing a proper test examination. Such a one however fitted can never hope to pass a competitive examination with English candidates".²

The Councillors next drew attention to the disparity in educational facilities available to the oversea and local candidates. "Born and bred in England the former are subjected to mental training from an early period of life and can at a comparatively moderate cost, secure ... the benefits of a good school and College education".³ Further the frequent examinations which

1. C.O.54.445.17 Robinson to Granville 6/7/69: Encl. Minute of 5/3/69.

2. C.O.54.445.17 Robinson to Buckingham 6/7/69: Encl. Minute of 5/3/69.

3. C.O.54.445.17 Robinson to Granville 6/7/69: Encl. Minute of 5/3/69.

they had to sit during their school career prepared and fitted them for competitive examinations. They imparted "the readiness and self-possession necessary for such trials".¹ But the children of parents in Ceylon could not always be sent to England. Even those who did go, could not be sent early in life. At the same time the expenditure on such an education would be heavier for local parents than for those in England. The Minute of the Councillors provide a fairly intimate account of the difficulties which hampered native parents from educating their children in England. They even referred to the difficulty in getting friends in England to whom native parents could confide their children. Thus the children had to be kept in Ceylon till they could take care of themselves. The result was that their children had to join an English school when English children had been there for years. Accordingly they started at a disadvantage which it was not afterwards easy to overcome. Further "to a Ceylon lad, English is a foreign tongue, the very rudiments of which he has to acquire".²

Finally they stated that the book-learning which secured success at competitive examinations did not always indicate the possession of the qualities which go to form a useful public servant. Some of the best and most promising of Ceylon's revenue and Judicial Officers owed their appointments to the Governor. Closing the door to such men was not conducive to the well-being of the natives. On these grounds the Councillors wanted the Governor's nominees to be recruited on the basis of a test examination instead of a competitive one.³

Opposition to the proposed competitive examination came from another exalted source. No less a person than the Chief Justice himself was against

1. Ibid.

2. C.O.54.445.17 Robinson to Granville 6/7/69: Encl. Minute of 5/3/69.

3. Ibid.

it. His was a more fundamental criticism of the validity of the system of examinations as a whole. It was his long settled and unhesitating belief that in examinations conducted entirely on the basis of question papers and written answers, success depended as much on the skill with which the candidate had been "crammed" or "coached", as on his abilities and grasp of the subject.¹ A "well-crammed" student would beat a less "well-crammed" one although the former was inferior to the latter. He asserted that any one who had a knowledge of educational matters during the past twenty years would not dispute this. Under the proposed scheme there was only to be a written test but no viva voce examination. The latter helps a "sound a man" knowledge deeper than the level of plagiarised plausibilities and learned-by-rote common places".² On paper, however, "the merits of strong mind and sound learning are too often undiscerned".³

Coming down to the more tangible facts of everyday life, he complained that local parents could not afford to give their sons the very long and costly education necessary to compete successfully with foreign candidates, elaborately trained from boyhood by "our intellectual tanaiste" to reproduce on paper "in the shortest possible time the largest possible amount of the contents of their brains".⁴ He admitted that occasionally there might be Ceylonese students brilliant enough to succeed at competitive examinations.

1. Chief Justice Creasy's views were based on experience gained during his academic and professional life. He studied at Eton and Cambridge and conducted examinations at the former. For 20 years he was Professor of History at the University College, London. He had been an examiner in history for the Society of Arts and of the teachers of the Normal School. He was an M.A., a Fellow of King's College and the author of several books such as The Fifteen Decisive Battles of the World, The Rise and Progress of the English Constitution, A History of England etc.

2. C.O.54.445.17 Robinson to Granville 6/7/69: Encl. Chief Justice's letter of 8/6/69.

3. Ibid.

4. Ibid.

This however, was exceptional. Moreover, anyone who had such a brilliant son would train him for a more lucrative career than the Civil Service.

Thus the competitive examination would only show superiority in "book love". It would be no proof that a person had the "good principles, good sense, good manners" essential in an administrator. It would be "a heavy blow and discouragement" to many hundreds of loyal and well-deserving subjects, he lamented.¹

Robinson disagreed with both the Executive Councillors and the Chief Justice.² It was only natural, he argued, that local parents should "feel disappointed at the prospect of losing a special and easy mode of admission for their sons" into the service. However, it had not been denied that the change was conducive to the public interest. Rebutting the contentions of the Chief Justice, he showed that thirteen years' experience proved that the competitive examination for the oversea candidates had produced successful results. Those recruits had proved superior, as a class, to the local recruits. Moreover, if parents paid proper attention to their children's education there was no reason why they should not compete successfully with foreign candidates. A local parent could get his son educated in England for the examination within two or three years. This was the practice among them already. He was therefore in favour of the proposal. As a concession local candidates would be given a second chance to sit the examination if they did well in the first instance.

Agreeing with Robinson, the Secretary of State refused to alter his

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1. C.O.54.445.17 Robinson to Granville 6/7/69: Encl. Chief Justice's letter of 8/6/69.
 2. C.O.54.445.17 Robinson to Granville 6/7/69.

decision to have one single competitive examination for all candidates.¹ However, he expressed a hope that all classes of candidates wherever educated might be able according to the new scheme to compete on a tolerably equal footing.² In this he was more than over-optimistic. For, as will be seen later, the new scheme operated to the disadvantage of the local candidates. In this respect the Executive Councillors and the Chief Justice proved to be correct. The scheme also ran counter to the previously expressed concern of the Colonial Officer for the more extended employment of natives in the higher appointments.³ The Secretary of State was nearer reality in observing that it would not be an unfortunate development for the Colony if the new scheme should generally result in Ceylon parents sending their children to England for their education in the future. The interests of those who could receive only a limited education in Ceylon were to give way before those who could afford a superior education in England. Theoretically at least, the door was not closed to the local candidates as a whole, but to the poorer among them. To be sure those who could afford

1. The new regulations were to be effective from 1st January, 1870. One competitive examination was to be held simultaneously in England and Ceylon. The age of candidates was to be between 20 and 23 years.

The examination had two parts (A) Obligatory (B) Optional.

Subjects of Part (A): (1) Handwriting (2) Arithmetic (3) Latin, Greek, French, German or Italian (4) English Composition and Precis.

Subjects of Part (B): (5) Pure and Mixed Mathematics (6) Ancient and Modern History and Geography (7) Elements of Constitutional and International Law and Political Economy (8) Geology, Civil Engineering and Surveying.

Candidates had to offer all subjects in Part A and 2 from Part B.

(C.O.54.445.32 Robinson to Granville 22/7/69: Encl. Scheme of examination)

2. C.O.55.115.174 Granville to Robinson 10/9/69.

3. See p. 62.

it had not much reason to grumble.

The implications which the new scheme had for the admission of Ceylonese into the service were revealed effectively at the Civil Service Examination of 1871 itself. Sinnatambi Ramalingam was one of the candidates nominated by the Governor for the examination. He had been recommended for nomination by the Director of Public Instruction. The latter, who had to write a general report on the examination, made therein a plea urging the claims of Ramalingam to special consideration.¹ He pointed out that Ramalingam was a pure Tamil and a native of Jaffna and that he had no means of instruction save those available in the schools there.² Consequently, his opportunities of preparing for the examination were very meagre. In subjects like Latin and French he had little or no training at all, he urged. However, he had fair abilities. His character in regard to uprightness and respectability were very high. He informed the Governor that if there was "any special advantage in occasionally admitting a native to the ... Civil Service, it will certainly be necessary to relax the strict rules of competition ... as it is hardly possible that any native should ever be able to enter the list upon equal terms, with English born and English trained competitors".³

Coming from an Officer who had a closer understanding of the educational facilities available to the natives, these observations bear a special validity. Ramalingam's case was a concrete demonstration of the position of the natives under the new rules. They were put to the test once again

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1. C.O.54.463.41 Robinson to Kimberly 5/2/71: Encl. Report of the Director of Public Instruction of 7/2/71.
 2. Robinson says he was the son of the Government Proctor of Jaffna, one of the most respected members of the Tamil community (C.O.54.452.377 Robinson to Granville 23/1/70; C.O.54.463.41 Robinson to Kimberly 5/2/71).
 3. C.O.54.463.41 Robinson to Kimberly 5/2/71: Encl. Report of the Director of Public Instruction 7/2/71.

at the Colonial Office. Thus Herbert wrote that Ramalingam could not be placed over the head of any European who might have beaten him.¹ Nevertheless he suggested that the Secretary of State "may be disposed to offer a writership to be competed for by natives only, in order to give a favourable chance to a deserving man".² But Rogers while generally agreeing with Herbert was "inclined to make appointments of natives personal and exceptional", otherwise there would be "so great a chance of getting clear^{ver} knaves".³ However, any such concession to natives would mean a departure from the general policy recently laid down. Thus the Secretary of State was content to leave the position unchanged. There was to be no separate competitive examination exclusively for the natives. If they could not come up to the standard attained by English candidates it was proof that they were unfit, he said, brushing aside all the practical aspects of the question. Ability, he asserted, was not "generally an Indian defect but character".⁴ Complimentary though this was, it did not help the natives in this instance.

The position of the Secretary of State was formulated in detail in a Draft Despatch which was not actually sent to Ceylon.⁵ In particular it explicitly sets forth certain assumptions regarding the relative capabilities of native and European candidates, on which his policy was based. It relied on the opinion expressed by a previous Governor, Sir Henry Ward, that upto the ages of 18 or 20 "the intellectual faculties of natives of Ceylon were so much earlier developed than those of Europeans, that the Burgher, Tamil

1. C.O.54.463.41 Robinson to Kimberly 5/2/71: Herbert's Minute of 13/3/71.

2. C.O.54.463.41 Robinson to Kimberly 5/2/71: Herbert's Minute of 13/3/71.

3. Ibid: Roger's Minute of 14/3/71.

4. Ibid: Kimberly's Minute of 15/3/71.

5. C.O.54.463.41 Robinson to Kimberly 5/2/71: Draft Despatch of Secretary of State.

or Low Country Sinhalese would in 9 out of 10 cases be the successful candidates under any system of competitive examination ...".¹ Moreover, Ward had held that "in the higher branches of Mathematics the Tamil pupils of certain Ceylon schools might defy European competition".² These opinions were accepted by the Secretary of State in refusing to grant any concession. In attaching such importance to this supposed intellectual superiority of the natives, he tended to discount the significance of the unequal educational facilities available in the two countries. However, even he was not able to ignore them completely. For he reiterated that sons of natives frequently received their education in England and were thus on a par with English born candidates. But there were those like Ramalingam who were educated in Ceylon. Their disadvantageous position he accepted by implication, but he could offer them no relief.

Although there was to be one single examination for all candidates, the examination itself was to be held simultaneously in both England and Ceylon. This provision at least assumed in theory the possibility of candidates educated solely in Ceylon competing successfully for admission, even with remote chances of success. Experience showed that this theoretical possibility was not even occasionally realised in actual practice. In 1880, Governor Longden drew attention to this in nominating a local candidate, Wythilingam Muttiah.³ He pointed out that the provision regarding examining candidates in Ceylon had been acted upon only once during the previous ten years. On that occasion it had caused considerable inconvenience. He

1. ~~Ibid.~~ C.O. 54.463.41. Robinson to Kimberley, 5/2/71: Draft Despatch of Secretary of State.

2. Ibid.

3. C.O.54.526.173 Longden to Hicks Beach 24/5/80.

suggested that the provision be altogether eliminated. Referring specifically to his present nominee Muttiah he observed that "a young fellow of this sort who has never been beyond the Colombo Academy probably has not a shadow of a chance against men fresh from Universities and crammers, so that no real hardship would be inflicted on the locals by abolishing the provision and encouraging them to come to England to finish their education".¹

Pursuing the subject further in a subsequent confidential despatch he asserted that it was of "great importance to the future good Government of Ceylon that those only should be admitted as writers, who by their general qualifications, by their social standing and above all by their independence of local obligations and ties and local prejudices, can fill ... those higher offices in the service ...".² He added that the training necessary for success in the Civil Service was possessed only by those who competed in England. It was doubtful if the locally educated youths could acquire the same training.³ Further it was "impossible for any young man without leaving the Island to shake himself so free of local ties and local feelings of caste prejudices and insular narrowness as to acquire any real independence of thought".⁴ He reiterated the arguments of others before him that the educational facilities in Ceylon were in fact inferior. To have any chance of success, without leaving the island a candidate would have to secure the aid of an exceptionally good private tutor. But a parent who could afford

1. C.O.54.526.173 Longden to Hicks Beach 24/5/80.

2. C.O.54.528.Confid. Longden to Hicks Beach 15/10/80.

3. The high schools of Ceylon could not, he said, be put on a par with those in the U.K. and they were "hardly equal ... to the high schools ... in some of the other tropical colonies such as Mauritius and Barbados or Trinidad". (C.O.54.528.Confid. Longden to Hicks Beach 15/10/80).

4. Ibid.

this would sooner send his son to England.

Longden submitted in support of his contention, a confidential Minute by the Lieutenant Governor Douglas.¹ He too was in favour of holding the examination in England only. The local examinations, he pointed out, only encouraged false hopes followed by inevitable disappointment. The educational level of the local and foreign candidates differed widely. Although the Colombo Academy² and a few other Colleges imparted a fair education in Classics, Mathematics, History and cognate subjects "the moral, physical and social training of an English public school or University is wholly wanting" in them.³ However, such a training was essential in a Civil Servant.

He too drew attention to the social requirements expected of a recruit. To illustrate the point he referred to Muttiah's candidature. As "a prophet was without honour in his own country" a youth like Muttiah could never command the respect and influence of his compatriots. "Too much is known about him and he has not had the opportunity which a few years passed in England would have afforded him of freeing himself of family influences ..."⁴ Accordingly the honesty of every act and decision of his would be questioned by his fellow natives.⁵

Both Longden and Douglas had shifted the discussion of this long drawn

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1. C.O.54.528.Confid. Longden to Kimberly 15/10/80: Encl. Douglas' Minute of 28/9/80.
 2. The Colombo Academy was the leading Government educational institution in the island.
 3. C.O.54.528.Confid. Longden to Kimberly 15/10/80: Encl. Douglas' Minute of 28/9/80.
 4. C.O.54.528.Confid. Longden to Hicks Beach 15/10/80: Encl. Douglas' Minute of 28/9/80.
 5. Douglas acknowledge that if Muttiah had a few years' absence in England for education "there was nothing in his surroundings to render him ineligible. As it was, one of the referees had already deprecated his appointment even to a Judicial post." (Ibid.).

out question on to new grounds. The question was no longer whether natives had a reasonable chance of success in competing with oversea candidates, or whether the competitive system was fair to them. They were plainly asserting that irrespective of other considerations, an education in England was a desirable pre-requisite for any native aspirant. Nor was this view prompted solely by the superior educational facilities available in England. On the other hand the very facts of leaving the island and passing a few years in England were considered conducive to a transformation of the social and moral outlook of the native candidate.

Whatever the merits of this argument however, the fact remained that candidates with a local education had hardly any chance of success in open competition with those in England. Various arguments had been brought forward to minimise this perhaps unpleasant fact, with little or no avail. In these circumstances it hardly mattered whether the examination was conducted in Ceylon or not. Its abolition had followed as a matter of course.

There was however one problem which increased in acuteness with every measure calculated to restrict the natives from entering the Civil Service. The Secretary of State, while agreeing to the proposal of the Governor, drew attention to it. It was necessary to ensure that the better students among those educated solely in Ceylon were not entirely shut out of the higher public appointments even though the Civil Service was to be a forbidden field to them. The Secretary of State was aware that the practical exclusion of able and deserving natives from all except the lowest public appointments was an evil which should be remedied.¹ He accordingly suggested setting up a lower branch of the service carrying salaries upto Rs.6000/- p.a. But nothing was done until 1883.

1. C.O.54.528.Confid. Kimberly to Longden 19/12/80.

CHAPTER THREE

NATIVES IN HIGHER APPOINTMENTS AND THE LEGAL PROFESSION.

It has already been seen in the previous chapter how the system of competitive examinations introduced in 1870 led to the virtual exclusion of educated Ceylonese from the Civil Service proper. This was perhaps the most decisive change affecting their prospects in the public service during this period. But though they were fully conscious of their bleak prospects under the new rules they did not make any notable attempt to obtain a reversal of the new system. Instead, they directed their attention to the other higher public appointments outside the Civil Service yet open to them. Their position regarding these, they were determined to protect from any further encroachments.

The most senior of the positions open to the English-educated Ceylonese were the Judgeships of the Supreme Court and the leading offices in the Queen's Advocate's Department. Here the Government had long recognised the claim of professional expertise and had been ready to recruit the trained Ceylonese lawyer but not the Civil Servant. Since the positions in question - those of Chief Justice and the two Puisne Judges, and of the Queen's Advocate and his deputies obviously required a thorough professional training, the Ceylonese lawyer competing for these posts had as rival, not the members of the Civil Service, close knit and well entrenched in Ceylon, but the looser, more distant body of British barristers.

Throughout the period of this study, at least one of the three Judgeships of the Supreme Court appears generally to have been filled by a native. Thus a Burgher, R. F. Morgan, who had been the Queen's Advocate for a considerable period, was in 1875 appointed Acting Chief Justice and even the permanent appointment was offered to him later, though the offer was declined by him owing to personal reasons.¹ Ceylonese had similarly been acting as Chief Justice on at least three other occasions.² Again when a temporary vacancy occurred in one of the Puisne Judgeships in 1875 Gregory appointed Harry Dias, a Sinhalese lawyer to the office, whom the Governor described as the leader of the Colonial bar and a person universally respected.³ On this occasion he went to the extent of passing over the claims of Berwick, the European District Judge of Colombo, who in the

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1. C.O.54.497.237 Gregory to Carnarvon 31/8/75. On the retirement of Creasy in 1874, Gregory admitted the unquestionable claims of Morgan to the vacant Chief Justiceship on grounds of both legal ability and faithful service, and added that if he was not to be confirmed as Chief Justice (in which post he was already acting) he should be knighted. Gregory however preferred that Morgan should continue in his existing substantive post of Queen's Advocate rather than be elevated as Chief Justice, because it was of the greatest importance, to have as Queen's Advocate a man of Morgan's legal training, prudence, long experience and intimate acquaintance with the customs and beliefs of the people. Gregory however had another reason for his reluctance to confirm Morgan: "He is too much mixed up by relationship and association with Proctors to be able to maintain the dignity of the Supreme Court ...". Nevertheless the Governor wished to offer Morgan the appointment "on the distinct understanding that he declines it" on grounds of health. Such a compliment would be a gratification to him and his friends while if passed over without some such recognition it would wound his feelings, added Gregory. (Carnarvon Papers, Gregory's Memorandum of 2/6/74 and letters to Carnarvon of 20/7/75 and 15/8/75). Morgan was however Knighted in 1874.
 2. Morgan was Acting Chief Justice in 1874, while Stewart had acted in the same capacity in 1875 and 1876.
 3. C.O.54.498.266 Gregory to Carnarvon 24/9/75.

normal course of events should have been appointed.¹ Again, when in 1878 a permanent vacancy arose in the Puisne Judgeship of the Court, Longden proposed that in conformity with the customary practice of appointing some one from the Colony to the Supreme Court, Harry Dias should be appointed to the vacancy. On this occasion, too, Longden overlooked the claims of Berwick though his qualifications were higher than those of any of the other aspirants.² The Colonial Office concurred in these views. Meade in a minute, while noting that Justice Stewart, the previous occupant of the post, was himself a native, added that as long as thoroughly honest and competent men could be found, it was an advantage to have one native on the Supreme Court bench.³

However, although the door was open to native lawyers in respect of these posts, yet they could not hope to monopolise them either. For the term professional lawyers included not only native but English lawyers as well. In contending for these posts therefore they had to urge their superiority over these English counterparts of theirs. Here they resorted to the argument that lawyers with experience at the local bar were better fitted for the posts than English lawyers without such experience. They urged that the former had a first hand acquaintance with the customs, usages and conditions of the people and the country, lacking in the latter.⁴ But even this argument did not hold water always, for there were English lawyers

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1. Berwick's claims were passed over chiefly on account of the serious differences and conflicts he had had with the Supreme Court which placed him in antagonism to that Court to a scandalous extent. C.O.54.498.266 Gregory to Carnarvon 24/9/75: Encl. Berwick's letter to Carnarvon 17/9/75.
 2. C.O.54.515 Longden to Hicks Beach. Confidential Despatch, 31/12/78.
 3. Ibid. Meade's Minute of 1/2/79.
 4. Overland Examiner 17/2/76; 23/10/79.

who sometimes had considerable experience at the local bar itself, men like Cayley and Clarence. The native lawyers themselves had to acknowledge the suitability of such men.

In these circumstances the native lawyers could not afford to relax their vigilance in pressing home their claims when appointments fell vacant. This is reflected in the pages of the Examiner.¹ Whenever a vacancy occurred it was the usual practice of this paper to discuss in its columns the relative merits of the possible claimants and in urging the claims of the person whom it considered most suitable, the choice almost always fell on a Ceylonese. Even when the Government had made its own selection, the paper discussed it approvingly or otherwise depending on the extent to which its own wishes had been fulfilled.

The hopes of the Examiner were by no means always met, for besides the competition from British lawyers, the Ceylonese faced another obstacle - the reluctance of the Government to allow the whole of the Supreme Court Bench or the Queen's Advocate's Department to fall into native hands. Thus in 1878, when a vacancy arose although Longden was ready to appoint Grenier, a distinguished Burgher advocate, to an Acting appointment as Puisne Judge, he was unwilling to allow the arrangement to continue for long. He acknowledged that Grenier was a leading member of the bar, equal to the duties of the office. But with Dias, a Sinhalese already on the Bench, Longden argued that it was questionable whether the Supreme Court composed of one Englishman and two native barristers would command the confidence of the European community. He added that he himself shared the widespread feeling, prevailing throughout the

1. Overland Examiner, 4/8/74; 3/2/76; 17/2/76; 30/3/76; 23/10/79.

island, that the Acting appointment should be terminated as early as possible.¹

The Department of the Queen's Advocate also presented similar difficulties. Here while the posts of Provincial Deputies of the Queen's Advocate were generally filled by Ceylonese lawyers, the Government was wary about appointing Ceylonese to occupy simultaneously the two principal posts in the Department, i.e. those of Queen's Advocate and Deputy Queen's Advocate.² Thus when the post of Deputy Queen's Advocate fell vacant in 1872, while that of Queen's Advocate was already held by Morgan, a Burgher Officer, Gregory wrote that it was absolutely necessary that either the Queen's Advocate or the Deputy Queen's Advocate should be a lawyer from England. The persons holding these extremely important posts should not only be capable but able to inspire confidence by their character.³ "Without in the least disparaging the integrity of the gentleman who is now Acting Deputy Queen's Advocate, Mr. Ferdinands, ... a native", Gregory wrote, it

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1. C.O.54.537 Longden to Kimberley. Private and Confidential Despatch 4/2/78. About 1867, the rule, that for high Judicial appointments, "local connexions with the colony by birth, family ties or otherwise will be considered generally speaking to render a candidate ineligible" provoked opposition from the Bar in British Guiana. The protest however does not appear to have been heeded by the Colonial Office. (Hall, H.L., The Colonial Office, p.137).
 2. There were in 1880 five Provincial Deputies of the Queen's Advocate in charge of the following districts: The Midland, Southern and Northern circuits and the Northern and Eastern Provinces respectively. C.O.54.528,177. Longden to Kimberley 12/10/50.
 3. The Queen's Advocate and the Deputy Queen's Advocate were the two law advisers of the Crown. They combined in themselves the functions of the public prosecutor and Grand Jury. All criminal work was under their supervision, and the institution of prosecutions was allowed or disallowed by them. They also had charge of all civil suits in which the Government was a party. C.O.54.477 Gregory to Kimberley. Confidential Desp. 29/8/72.

was certain that "all confidence would be at an end if such offices were exclusively in the hands of natives. With such unlimited power confided to them, imputations of corruption would be currently circulated and currently believed".¹ The result would be dissatisfaction among Europeans and the rest of the people.²

Furthermore, it should not be supposed that the Government's admitted preference for professional lawyers, whether English or Ceylonese, was entirely acquiesced in by the Civil Servants, even in the case of these posts undoubtedly requiring professional training, for such preference implied a further diminution in their prospects of promotion. Certain comments made in the Observer, the British owned newspaper, reflect such apprehensions. Referring to the policy of recruiting lawyers to these posts it protested that the Civil Service should not be depressed by prize after prize being taken away from them. Instead it urged that the number of Judges on the Supreme Court Bench be raised from three to four and the fourth be reserved for recruitment from the Civil Service.³ Opposing the recruitment of native lawyers to these posts, it launched a vituperative

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1. C.O.54.477 Gregory to Kimberley, Confidential Desp. 29/8/72.
 2. Morgan himself acquiesced in these views. He admitted that the appointment of an English lawyer to the vacancy would "shut out from advancement those whose interests he was not regardless of" and would disappoint local aspirants to the office. However he asserted that it would strengthen the hands of the Government and give greater satisfaction to the natives if the Deputy Queen's Advocate was an English lawyer, than if both posts were held by local men.
(C.O.54.477 Gregory to Kimberley, Confidential Desp. 29/8/72.)
 3. Overland Observer, 15/8/72; 25/4/82; 28/4/82.

attack on the local Bar itself.¹ The Government, nevertheless took no notice of the demands and denunciations voiced by the Observer, and in making judicial appointments it continued to reserve a considerable number of the highest posts for Ceylonese lawyers.

At the next lower level within the judicial hierarchy that of District Judge, however, the conflict between trained lawyer and Civil Servant was much sharper and its issue still doubtful. Originally all these Judgeships had been in the hands of the Civil Service, but by about the beginning of our period the practice had gained ground of appointing professional lawyers, not necessarily belonging to the Civil Service, to the District Judgeships of Kandy and Colombo. The important and intricate nature of the business transacted at these two courts was considered to require the services of Judicial Officers with a high degree of legal training and experience such as was not likely to be possessed by ordinary Civil Servants.

In 1872 Governor Gregory deviated from this customary procedure by appointing Gillman, a Civil Servant, to the District Judgeship of Kandy. Gregory held that Gillman, a graduate of Trinity College, Dublin, and a Barrister at Law who had previously held other judicial appointments with

1. The paper editorially demanded that the bar should be purged of existing "elements of blackguardism" and that a rule regarding character be enforced in admitting advocates in the future, character and rectitude being as important as the knowledge of the law. "For those Ceylonese who by probity as well as talent, made for themselves a position, Englishmen feel only respect. But they are exceptions. To hand over the whole administration of Justice to such a bar as now exists ... would be to Ceylon (especially to the natives) an unmitigated calamity". The Overland Observer 31/8/72.

credit, possessed the necessary professional status and acquirements.¹

Gregory saw no reason therefore, for recruiting a professional lawyer from outside the service.

This appointment sparked off a dispute between the Governor and the local Bar. Advocate Harry Dias, the distinguished Sinhalese lawyer, and six other leading members of the local bar, at least four of them Ceylonese, memorialised the Governor protesting against the appointment.² They urged that the two District Judgeships of Colombo and Kandy should be occupied by men who had worked their way up to a prominent place in the local Bar. They also drew attention to the desirability of holding out due encouragement to the legal profession. There would be "small inducement for the local practitioners and the English barristers" to practice for long years unless they had definite prospects before them.³ These were the only two appointments to which they could look forward. Finally they pointed out that the practitioners at these District Courts were the leading men of the profession: unless the Judges appointed were able to cope with those who practised before them, the administration of Justice might suffer. However, the protest made by this select group of lawyers was of no avail. Gregory refused to give in. The outcome was a more earnest appeal from the lawyers as a whole directly to the Secretary of State, in the form of a

1. C.O.54.476.66 Gregory to Kimberley 28/5/72.

2. The signatories to the memorial were James Van Langenburg, J. H. Eaton, S. Grenier, Richard F. Morgan, C. Brito and Francis Bevan, besides Dias himself. C.O.54.476.66 Gregory to Kimberley 28/5/72: Encl. Memorial of Dias and others to Gregory.

3. C.O.54.476.66 Gregory to Kimberley 28/5/72: Encl. Memorial of Dias and others to Gregory.

more elaborately argued memorial.¹

In this memorial the opponents of the Governor sought to raise the dispute to a higher plane, representing their grievance as one affecting not merely a few leading lawyers but the general administrative health of the Colony as a whole. They began by pointing out the important position occupied by the District Courts of Colombo and Kandy since the original Civil jurisdiction of the Supreme Court had been vested in them. They then stressed the special prominence of Colombo and Kandy, the one the chief port and commercial centre, the other the principal town of the hill-districts where the coffee estates were situated. The vast commercial development of the island had led to complicated commercial and monetary transactions. Thus very important questions of law and fact arose daily for adjudication in these Courts.² For such Courts men of considerable professional ability were required, especially as there were five different systems of law in force in the island.³ The Civil Servants, were not able to acquire the necessary judicial experience owing to the very nature of their normal functions. Hence the necessity for professional men had come to be increasingly felt. Until 1840, Civil Servants had presided over these District Courts. The position had begun to change from that year and professional

1. C.O.54.476.66 Gregory to Kimberley 28/5/72: Encl. Memorial of lawyers to the Secretary of State, 1/5/72.

2. For instance in 1865 there were in the District Court of Kandy 60 cases involving sums ranging between £500 and £1000; 76 cases involving sums of over £1000; 9 cases exceeding the sum of £10,000; 2 cases involving over £20,000 and 1 involving over £30,000.

3. Roman Dutch Law, English Commercial Law, Mohammedan Law, Tamil Law and Kandyan Law besides the statute Law enacted by Ordinances.

men had come to be appointed to them.¹

The memorialists drew attention to the fact that Gregory's predecessor Robinson had in fact recognized that the two appointments were excluded from the Civil Service. Lifting the argument to another plane they urged that the best school for the bench was the bar. It was just as necessary to foster and encourage an efficient bar as an efficient Civil Service. "Such a Bar is particularly valuable" they asserted, "in a remote colony peopled by different races and classes of men. It is almost the only calling which enables a man to earn an income independently of the Government. Young men of promise are consequently attracted to it, and as the body becomes large and able to assert itself, it forms an important element towards the creation of a sound public opinion to guide and support good Government and is a safe connecting link between the governing and the governed".² Further they urged that an efficient bar was especially valuable in Ceylon owing to the differences of language existing between the natives and the judicial officers, the majority of whom were strangers to the country.

And having thus indicated the role which the local lawyers intended to play in the official life of the country they went on to argue that the Bar could not play its due role unless adequate prospects of advancement were

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1. In 1840 Langslow had been sent out from England to be the District Judge of Colombo. He had been succeeded by Selby and Temple both of whom were not Civil Servants. On the latter's promotion, though Lavallier a Civil Servant had held the acting appointment for eight years, he had not been confirmed. R. F. Morgan, the Burgher advocate was appointed to the permanent post. In 1863 Morgan was succeeded by Lawson and Berwick, who were also professional lawyers, not belonging to the Civil Service. Similarly from 1862 professional Judges had been appointed to preside over the District Court of Kandy.
 2. C.O.54.476.66 Gregory to Kimberley 28/5/72: Encl. Memorial of Lawyers to the Secretary of State, 1/5/72.

offered to it. So far out of the thirty five Judicial appointments only two had been opened to the profession.¹ If One of these two posts were now taken away there would be no inducement for able men to join the legal profession.

But the memorialists were not content to submit their case as one affecting their interests alone. They went further and appealed to the Secretary of State to treat their submissions with the same liberal spirit in which Her Majesty's Government had "always dealt with questions affecting native interests". (They thus implied an identity between their own advancement and the general interests of the natives as a whole). The question was no longer merely whether particular judicial appointments should be filled by a lawyer or a Civil Servant. It was also a question of whether ^{the} office should go to a native or a European. A more outspoken and frank admission of this is available in a later memorial sent by the lawyers to the Secretary ^{of State} after the latter had actually decided the matter. There they stated that almost every native who had worked his way to a prominent place in the colony had commenced his career at the bar. They added that as the natives were generally limited in their means, they were "unable to embark their children in commercial and agricultural pursuits, and young men who are so fortunate as to secure their education in England find only two roads to advancement open to them, viz. - the Civil Service and the Bar".² The difficulties of securing a place in the former were

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1. Apparently the memorialists were leaving out the Judgeships of the Supreme Court, which of course were generally recruited from professional lawyers.
 2. C.O.54.478.195 Gregory to Kimberley 30/9/72: Encl. Memorial from Lawyers to the Secretary of State, 30/9/72.

almost insuperable and the only opening through which they could obtain a place in the public service, suitable to their educational and social position was through the Bar.

In May 1872 Gregory forwarding the first of the two memorials, expressed his inability to concur with the lawyers. He was in favour, he said, of throwing the two appointments open to the legal profession and had no wish to make them a monopoly of the Civil Service. But he was equally opposed to making them a monopoly of the local Bar. The best man should be appointed irrespective of whether he was a Civil Servant or a lawyer and in this case Gillman, though a Civil Servant had been found to be the fittest. Accordingly he argued that it would be unfair to his nominee as well as to the Civil Service to overlook his claims and appoint a lawyer merely as an encouragement to the local Bar. This placed the Colonial Office in a difficult situation, especially as this was the very first appointment made by Gregory since he assumed office. Opinion was consequently divided. Herbert suggested getting over the difficulty by reversing Gregory's appointment of Gillman but at the same time appointing to the post a lawyer from England in order to avoid a seeming surrender to the local agitation.¹ Holland suggested if there was no competent member of the local Bar to hold the post that a suitable person might be selected by the Secretary of State from the English Bar. But this was abandoned as it would be suggesting to Gregory "that which he may be tempted to do without a suggestion - i.e. to give a slap in the face of the gentlemen who have exposed him to the annoyance of having his first appointment set aside".² Eventually it was

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1. C.O.54.476.66 Gregory to Kimberley 28/5/72: Herbert's Minute of 5/7/72. R. G. W. Herbert was the Under Secretary at the Colonial Office.
 2. C.O.54.476.66 Gregory to Kimberley 28/5/72: Holland's Minute of 6/7/72. H. T. Holland was Legal Adviser at the Colonial Office.

decided that the two posts should be reserved for professional lawyers possessing the advantage of practising at the Bar. Gregory was to be informed of the decision "clearly and kindly".

The decision from the Colonial Office did not close the question. The claims of the memorialists had been reinforced by a public meeting of the lawyers of Kandy and this roused the European planting community to counter agitation. The lawyers had pleaded for their rights as natives: the Planters' Association foreshadowing the Ilbert bill controversy in India at a later date demanded that an English Judge be appointed. The charges were indignantly rejected, the Overland Examiner, the native-owned English language paper, challenging the Association to show a single case where a native Judge had been found wanting in ability and integrity.¹ At the same time the decision angered the Civil Service. Gillman himself complained of having been subjected to humiliation.² The Civil Servants as a body also remonstrated with the Secretary of State against the withdrawal of the two appointments from the service.³ It was now their turn to bemoan this dwindling of prospects of promotion. They pointed out that the Civil Servants who held the vast majority of the other judicial appointments in the country did possess the necessary legal training though they had not been practising lawyers.⁴

1. Overland Examiner 6/8/72; 14/10/72.

2. C.O.54.477.155 Gregory to Kimberley 29/8/72.

3. C.O.54.478.167 Gregory to Kimberley 2/9/72: Encl. Memorial from Civil Servants to the Secretary of State.

4. Entrants to the Civil Service had to pass certain examinations in law prescribed by the regulations of the service. The syllabus prescribed for writers on 1st July 1868, under clause 9 of the Civil Service Regulations was as follows: (1) Ordinances passed in Ceylon from 1833 onwards; Nell's Courts of Requests Parts II & III; Marshall's Judgements; Taylor on Evidence.

Gregory, sympathising with these memorialists, raised a more fundamental problem for the consideration of the Colonial Office.¹ If the two highest judicial appointments were to be withdrawn from the Civil Service and reserved for the local Bar, then surely, he argued, it would not be desirable to retain within the service the other lesser judicial appointments either.² Curtail the prospects of promotion and there would be little inducement for the abler men in the Civil Service to accept these remaining appointments. The result would be the impairment of the efficiency of the whole judicial administration of the island. If professional Judges were to be substituted for Civilian Judges, that policy would have to be extended not merely to the highest judicial appointments but to all other appointments until gradually the entire judicial work of the Colony was transferred from the Civil Service into professional hands.

In thus pushing the argument to its logical conclusion, Gregory may originally have intended to defend the Civil Service position in the judicial system. But as his argument developed he seems to have realised that there might be advantages in having it accepted. Progressive employment of professional men implied, in effect, the progressive employment of Ceylonese lawyers as Judges and Magistrates. This he conceded might be beneficial.³

"Several of the Minor Magistracies comprised in the lowest class of the Civil Service could be fitted better and at lower cost by residents of the

1. C.O.54.478.167 Gregory to Kimberley 2/9/72.

2. Besides the District Judgeships of Colombo and Kandy, there were about thirty other judicial appointments in the island practically all of which were held by European Civil Servants. The two first carried higher salaries than the rest.

3. C.O.54.478.167 Gregory to Kimberley 2/9/72.

country whether European or Native rather than by young and inexperienced Civilians. Opportunities would thus be afforded of promoting Natives of character and education to a class of appointments suited to them. District Judgeships included in the 1st and 2nd Classes of the Junior Branch, might in time be supplied from the local Bar, preferably also at lesser salaries than it is necessary to pay European civilians".¹ The saving thus effected, he pointed out could be utilized for increasing the number of revenue and political appointments to be held exclusively by European Civil Servants. Gregory was thus ready to open the judicial appointments to the native lawyers if in compensations the European Civil Servants could strengthen their grip upon executive positions. Kimberley, however did not accept Gregory's plans and, so lost the opportunity of stemming the grievances of the educated Ceylonese by ensuring their employment within the restricted but accepted limits of the judicial Branch of the public service.² The two District Judgeships appeased the native lawyers for the moment but still left both them and the Civil Service without defined fields for their ambitions and so caught up in rivalry. It was an unhappy augury for the future, that even after the issue was finally decided by the Secretary of State in their favour, the lawyers had this to say in a letter thanking him for this decision. "Though we felt that the principle contended for was asound one, we also felt the great disadvantage under which we were placed in asserting it, opposed as we were to a large and influential body of gentlemen in the Civil Service, whose interests were in apparent conflict with our own and who were therefore inimical to an arrangement which would withdraw from the

1. C.O.54.478.167 Gregory to Kimberley 2/9/72.

2. C.O.54.476.263 Kimberley to Gregory 15/11/72.

service another of the principal District Judgeships in the Island".¹

It was not long before the issue was reopened. The aggrieved party on this occasion was a Civil Servant. In 1879 Wragg, the District Judge of Chilaw complained bitterly, that though he was a Barrister and possessed ten years of judicial experience he had been shut out from the District Judgeships of Colombo and Kandy in accordance with the Secretary of State's decision in Gillman's case. While being himself thus debarred, any local lawyer who had never left Ceylon, could make a claim to these posts.² At that very moment, in fact, he alleged a member of the local Bar less qualified than he, was about to be appointed to Kandy. Longden, who had succeeded Gregory as Governor, sympathised with Wragg's appeal and recommended him for promotion. He pointed out that owing to the decision of 1873 the best Officers in the Civil Service were tending to prefer revenue to judicial appointments. This has resulted in the judicial service being depleted of men of ability, to such an extent that the Chief Justice has found it necessary to draw attention to it. Longden held that provided Civil Servants possessed, as Wragg did, the necessary professional qualifications and judicial experience, the mere fact of their being members of the Civil Service should not exclude them from promotion. Longden therefore asked the Secretary of State whether the time had not arrived for relaxing the existing procedure.

The Secretary of State agreed that men suited for high judicial appointments might be found among the Civil Servants as well as among the practising

1. C.O.54.478.195 Gregory to Kimberley 30/9/72: Encl. Memorial of lawyers to the Secretary of State, 30/9/72.

2. C.O.54.521.403 Longden to Hicks Beach 17/10/79

lawyers. But he maintained that this was rather rare.¹ Since the Colonial Office appeared to have been apprehensive that Wragg's appointment as District Judge of Kandy would provoke a fresh memorial from the Colonial Bar, Hicks Beach refused any positive satisfaction to Wragg.² All that he would say was that like every rule, the rule under discussion also admitted of exceptions, and that Wragg's claims might be given consideration if they deserved such exceptional treatment. Since the Secretary of State was silent about what constituted an exception, this was poor consolation either to Wragg or to others in his position.

Scarcely a year later another Civil Servant, L. Liesching, in circumstances similar to those of Wragg made a further complaint.³ He pointed out that he had twenty years of experience in judicial appointments though he had never actually practised at the Bar. But in addition to Wragg's arguments, he adduced the further point that if the Civil Service was excluded from the two District Judgeships it would not be in favour of the leading practitioners of the local Bar. Any lawyer of high attainments was able to earn much more than the salary of Rs.14,000/- a year, attached to those posts. Consequently it would only be second or third rate Ceylonese Advocates who would be ready to accept the posts on the current rates of pay. The Secretary of State was not ready, however to go further in Liesching's case than he had done in Wragg's and despite the grumblings of the Civil Servants the Colonial Office was too cautious to provoke another outcry from the local Bar.

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1. C.O.54.521.403 Longden to Hicks Beach 17/10/79: Encl. Hicks Beach Minute of 1/12/79.
 2. Ibid. J. Bramston's Minute of 9/12/79, records these fears of new Ceylonese protest.
 3. C.O.54.528.138 Longden to Kimberley 14/9/80: Encl. Liesching's letter to Colonial Secretary 6/9/80.

Longden showed much less understanding of the mood of the local Bar. Though he was on the spot, he refused to profit from Gregory's past experience or from his own acquaintance with the Colonial Office attitudes. Instead in 1882 he appointed Liesching to an acting appointment as District Judge of Colombo. It was a vacancy which was to last only a few weeks. None the less the lawyers were up in arms. They lost no time in protesting against what they called an infringement of the accepted policy. Perturbed by this unexpected opposition, he was at pains to offer lengthy explanations to the Secretary of State in justification of his action.¹ He emphatically stated that the appointment was purely temporary and implied no departure from the policy hitherto followed. At the Colonial Office, Lucas sardonically noting the predicament in which the Governor had placed himself and his rather abject excuses commented that Longden had allowed himself to be browbeaten by the local Bar.² Certainly the local bar had shown itself vocally sensitive considering that the appointment was to be an acting one, and that for a few weeks only. However the Secretary of State did not reverse Longden's appointment and the lawyers did not pursue the subject as Liesching was not confirmed in the post.

The readiness of the Government to open the Supreme Court and the two most important district Judgeships to Ceylonese lawyers, and to recognise that the judicial line was one to which natives might be safely and suitably admitted, might lead one to expect that Ceylonese lawyers would have filled most of the junior judicial appointments in the island. This was not the

1. C.O.54.451.394 Longden to Kimberley 14/9/82.

2. Ibid. Lucas' Minute of 10/10/82.

case: on the contrary almost all the lower Magistracies and Judgeships were occupied by British Civil Servants. This was a paradox on which the Ceylonese lawyers quickly seized, for Government by finding them fit for even the highest judicial offices, had made their virtual exclusion from lower posts hard to defend except on racial grounds. Government might argue that the lower posts did not require any considerable professional qualifications and so could properly be filled by Civil Servants. To the native lawyers however the argument would seem neither logical nor fair, and their sense of grievance was all the greater because the number of posts involved was comparatively so large.

By the Royal Charter of 1833, District Courts, which exercised unlimited civil and limited criminal jurisdiction within districts had been established. It had also provided for the Supreme Court which exercised an appellate jurisdiction over the District Courts in both civil and criminal matters and an original criminal jurisdiction in the more serious offences. This system was interfered with in 1843 when the local Government was empowered to modify and amend the provisions of the Charter. "The one great defect of that instrument was that it sanctioned only one Judge for each District, who had to try as well cases involving large sums and intricate points of law as those for petty debts or Police offences. This might have been obviated by a power to the Government to appoint one or more Judges for each Court according to the importance of the District and to apportion departmentally work to each ..." ¹ By this inconvenience would have been obviated while the simplicity of the original scheme was preserved. Instead of this, however, additional Tribunals were established -

1. C.O.54.443.67 Robinson to Granville 23/3/69.

Courts of Requests to try money cases under £5 and Police Courts to try minor criminal cases. In 1852 further changes were made. The jurisdiction of Courts of Requests was raised to £10 and extended to land cases. The criminal jurisdiction given to the District Courts by the Charter was extended to cases punishable by one year's imprisonment, a fine of £10 and 100 lashes. Ordinance 12 of 1843 made it one year's imprisonment, a fine of £50 and 50 lashes. By Ordinance 11 of 1868 they were to have the original jurisdiction in all civil, criminal, revenue, matrimonial and testamentary matters. They had power to try crimes and offences punishable by no higher punishment than imprisonment for one year, a fine of £100 and corporal punishment to the extent of 50 lashes.¹

Both the District Courts and the Courts of Requests and the Police Courts were staffed by Civil Servants, the lower courts by the most junior members of the service, men with little legal or administrative experience. Against this practice natives protested since it denied appointments to better qualified Ceylonese. Thus in 1874 the Examiner, in an editorial in support of the native lawyers' claims declared, "it is but right that some of the minor Magistracies ... should be thrown open to them for competition".² The Proctors, mainly Ceylonese possessed a legal training and were acquainted with native character and so capable of judging evidence aright: a liberal Government should assist such men, fighting their way without support of any kind".² To do so would raise the tone of the local Bar, and it would at the same time prevent the miscarriages of justice which resulted from the inexperience of young European Magistrates newly appointed from the Civil Service.

1. Legislative Enactments in force in 1870, Ordinance 11 of 1868).

2. Overland Examiner 29/9/74.

The latter issue - the inefficiency of the junior Civil Servants as Magistrates - was one which the Chief Justice, Sir Edward Creasy had commented on as early as 1873.¹ Some time later Governor Gregory himself drew attention to the same points.² He urged the need for exercising a greater degree of supervision over these officers to minimise the ill-effects of inexperience. He also suggested that before appointing such junior men to judicial appointments, they should be first attached to the Government Agent, the revenue officials, for a longer period than was done at the time.³ Again in 1876 he proposed the appointment of an additional District Judge whose function was to supervise the minor courts. "It would be an advantage to have the work of Magistrates and Commissioners of Requests reviewed and collated for comparison for the next four or five years" he pointed out.⁴ Creasy had asked that "the very best men in the service" be selected to judicial posts. Gregory held this not possible: the best men being in the revenue service, to shift them to magisterial work would either involve a very large expenditure by "the undue enlargement of the Civil Service or place revenue duties in less capable hands than at present".⁵ The appointment of an Additional District Judge, with a supervisory function was preferable to both.

The acknowledgement that there were serious weaknesses in the system of lower courts, owing to inadequacies of civilian judicial officers was bound to strengthen the hands of the critics. While it did not necessarily

1. C.O.54.502.166 Gregory to Carnarvon 1/7/76.

2. C.O.54.495.124 Gregory to Carnarvon 5/8/74.

3. C.O.54.502.166 Gregory to Carnarvon 1/7/76.

4. Ibid.

5. Ibid.

follow that the local practitioners would be an improvement on the existing holders of judicial posts, the claim to be given a wider opportunity to prove themselves was hard to resist. So while on the one hand contemplating steps to raise the standard of the civilian judicial officers, Gregory himself suggested that it would be wise and expedient to confer a few magistracies on deserving men unconnected with the Civil Service since "the spread of education... is constantly bringing to the surface natives quite equal to judicial work".¹ Gregory who had so roused the local bar by proposing the appointment of a Civil Servant to the Judgeship of Kandy now apparently hoped to pacify the Bar by suggesting that they be given some magistracies. In so doing he even echoed the arguments urged by the local Bar in pressing their claims to the two leading District Judgeships. Thus Gregory pointed out that in view of the recently adopted Civil Service regulations, it was idle to allow the nomination of natives to that examination, the standard being too high. But he argued "an intelligent and honest native is likely ... to be better able to judge native evidence" and would be a more satisfactory magistrate than an inexperienced Civil Servant.² He strengthened his argument by stressing the economies which would follow from employing native magistrates at £3000 a year in place of Europeans at £4000 a year. These suggestions though generally approved by the Secretary of State, did not in any substantial degree open the lower judicial appointments to natives. However members of the local Bar were occasionally selected for acting posts temporarily to fill vacancies of European c

1. C.O.54.502.166 Gregory to Carnarvon 1/7/76.

2. Ibid.

civilians on leave. In the meantime the shortcomings of the civilian judicial officers appear to have persisted without much abatement.

These shortcomings became the subject of even more serious criticism by Budd Phear the Chief Justice who had succeeded Creasy. Phear informed Governor Longden in 1878 that the Justices of Peace, Police Magistrates and Commissioners of Requests "Manifest as a rule want of knowledge of the practice of the Courts, of the business of these offices and of the law which they have to carry out and conform to. It is not surprising that this should be so, because it is seldom that any officer before appointment has received any instruction in these matters and all have practically to learn them ... under every disadvantage while exercising the despotic authority of the judgement seat in the hurry of work, which often the multifarious character of their duties leaves them no time to perform with proper care ...".¹ A prominent and mischievous result of this deficiency of training was "a very noticeable heedlessness of the forms in procedure and process ...".² The more so as the officers thought "that particularity in detail ... savours of technicality which should be subordinated to equity and justice".³

1. C.O.54.528.177 Longden to Kimberley 12/10/78: Encl. Phear's letter 9/5/78.

2. Ibid.

3. Phear stated that a very large proportion of warrants of commitment made by judicial officers did not express a reasonable cause of remand. Warrants of Commitment, and writs of execution etc. betrayed want of technical knowledge, and the non-appreciation of the importance of detailed conformity to methodical procedure. Another shortcoming which caused miscarriage of justice was the imperfect manner in which the deposition of witnesses was reduced to writing by Magistrates. Often they consisted of a few concrete statements of fact or opinion seldom carried further than general assertion. The details of an occurrence were never given. "This is everywhere skilled work requiring special training and experience". (C.O.54.528.177 Longden to Kimberley 12/10/78: Encl. Phear's letter 9/5/78).

The Chief Justice also objected to "the monstrous make believe which in some districts concentrates in one officer the entire multifarious machinery for the administration of civil and criminal justice. At once Fiscal, Justice of the Peace, Commissioner of Requests and District Judge the unfortunate complex official must often be in doubt as to the particular character which he ought to act up to. There is doubtless nothing unreal in one and the same person ... being called upon ... to discharge the separate duties of Police Magistrate, Commissioner of Requests and District Judge. But the case is very different when the same officer is endowed with the functions of Justice of Peace, Fiscal and District Judge, and proceeds to exercise the functions of one in succession to those of others as if he were so many different persons".¹ For criminal charges above a certain low standard, the trial in the first instance consisted of two stages. The first or preliminary inquiry by a J.P. and second or final trial by the District or Supreme Court. "If the Justice of Peace after terminating the preliminary inquiry turned round and said 'Now I will be the District Judge and will proceed with the final trial' everybody would at once characterize the behaviour as unseemly child's play".² Yet such in effect was the existing situation. Phear concluded his blistering attack with the observation that "It is not ... presumptuous to suppose that the Government which has lately been able to provide the funds for increasing by 20 per cent the salaries of its more highly paid public servants, can have no serious difficulty in finding the means of supplying the full staff of officers requisite for the Courts ...".³

1. C.O.54.528.177 Longden to Kimberley 12/10/78: Encl. Phear's letter 9/5/78.

2. Ibid.

3. Ibid.

Phear was unduly optimistic in assuming that more money could and would be allotted to the judicial service - it had been the need to avoid additional expenditure which Gregory had used as an argument for employing native lawyers. Phear's own views on the use of native agency are not very clear. In his letter to Longden he referred to the absence of an independent body of professional men from which to draw a supply of judicial officers. On the other hand, before his nomination as Chief Justice, he had delivered a lecture at Adelphi Street, in London, urging the appointment of more Indians to the Indian Civil Service. When Phear came to leave Ceylon in October 1879 a meeting was held in his honour at Moratuwa. The President at the meeting, Dharmaratna, had attended Phear's Adelphi lecture as a student, and he now impressed upon the Chief Justice that though a few might not like him, the masses of the natives considered his departure a calamity. He told the audience that since Phear had "both in private conversation and in public discussions advocated the employment of native gentlemen in the Civil Service of India, so if he were to remain longer in the island they would have his advocacy for the employment of some Singhalese in the Civil Service of Ceylon".¹ These remarks suggest that Phear may have been disposed to favour the recruitment of native lawyers on a wider scale than even Gregory.

1. Overland Observer 11/9/79; 23/7/78. Dharmaratna at the Adelphi Street meeting, himself had criticised the Government's policy regarding the employment of natives, drawing particular attention to the non-promotion of Dr. Anthoniz and Rev. Ondatjie. Reports of the meeting had appeared in the London Times.

If it is not certain what Phear's attitude was on this question, there could be little doubt about the attitude of the Queen's Advocate, Cayley, to whom Phear's observations were submitted for comment. He began ^{by} agreeing with Phear that "No one will doubt the advantages of having trained lawyers even for minor judicial appointments". But he argued that "to obtain trained lawyers for minor judicial appointments in Ceylon would be impossible. No trained lawyer who had the slightest prospect of earning a fair living by his profession would be tempted by the pay of these appointments to expatriate himself in an unhealthy climate at stations where he might probably have little if any congenial society".¹ Nor was it possible to raise the salaries of the judicial branch of the Civil Service to tempt qualified lawyers to accept appointments. He then proceeded to consider, but reject, the idea of employing native lawyers in these posts. "As to the practitioners, the proctors ... are throughout the Island with one exception only, natives of the country ... Many of them have to practise in an acquired language and none of them have had any of those opportunities of legal training and education which even the most obscure members of this branch of the profession enjoy in England".² Cayley did not specifically comment upon the Advocates or the small but growing number of Ceylonese going abroad to qualify as Barristers, but he did refer in general terms to the difficulty of recruiting men of the ^{right} class to even posts of Provincial Deputies to the Queen's Advocate. "Again it is well known that the best qualified members of the Bar can seldom be induced to accept the office of Provincial Deputy ...". The emoluments "have never proved

1. C.O.54.528.177 Longden to Kimberley 12/10/80: Queen's Advocate's letter 5/6/78.

2. Ibid.

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sufficient to tempt the leading advocates to leave Colombo and their business in the Appellate Court; with the prospect of advancement in public life in order to take up somewhat obscure appointments in the provincial towns".¹ If Ceylonese lawyers would not accept the post of Provincial Deputy of the Queen's Advocate which carried the right to undertake a certain amount of private practice as well as a substantial salary they were still less likely Cayley implied, to accept the position of Magistrate without those advantages. Having thus shown to his own satisfaction that native lawyers could not be found for the magistracies, Cayley could conclude, "I am afraid that in considering the question of our administration of justice we must be content to try to do the best we can with the materials which we possess. Our judicial officers must still in the main ... be drawn from the Civil Service". Having

Having reached this conclusion, Cayley then proceeded to show that it was necessary to make the judicial branch a more attractive one to the European Civil Servant. "... the judicial branch of the Civil Service, especially the subordinate part of it, is the least popular branch ... for although the duties are multifarious, the work is monotonous and irksome; it is sedentary in a special degree, if pursued with diligence; and this particularly in the case of young men in a climate like that of Ceylon, tends to impair the energies of both mind and body; the chances moreover of distinction are fewer and the censures for mistakes of want of judgement more public than in other departments. This state of things ... cannot be prevented unless the judicial branch ... is made distinct from other

1. C.O.54.528.177 Longden to Kimberley 12/10/80: Queen's Advocate's letter 5/6/78.

branches; so that when a Civil Servant enters it he may look forward ... not only to the District Judgeships of Kandy and Colombo which are now occupied by professionally educated lawyers, but even to a seat on the Supreme Court Bench".¹

Longden on the whole was inclined to agree with Cayley. He held that "the minor Courts must continue to be intrusted to Junior Officers of the Civil Service".² He added that such officers were required to pass law and language examinations before appointment as Magistrates and District Judges and he proposed by administrative action to ensure that they should have more opportunity to study courts at work before their first appointment. He also promised that where numbers permitted duties would be divided so that no single officer functioned both as Magistrate and Judge. He made no move, however, towards recruiting native lawyers, contenting himself rather with the observation, "an imperfect administration of justice is better than none at all".

While Cayley was seeking to recapture for the Civil Service, the ground lost at District and Supreme Court level, perhaps with Longden's tacit approval, the local Bar was restating its claims to more of the lower judicial appointments. In 1879 the Examiner in an editorial, dismissing Ceylonese competition at the Civil Service examination as now a farce, argued that the well educated men turned out by the best schools in Ceylon, men of respectable family, should have the Police Magistracies thrown open to them.³ The editorial was followed up in July by a correspondent who

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1. C.O.54.528.177 Longden to Kimberley 12/10/78: Encl. Queen's Advocate's letter 5/6/78. A similar suggestion was made by Puisne Justice Clarence in 1882. C.O.54.539.237 Longden to Kimberley 31/5/82
 2. C.O.54.514.243 Longden to Hicks Beach 24/7/78.
 3. Overland Examiner 17/6/79.

was more hostile. He wanted to see the agitation in England for "India for the Indians" paralleled by a "Ceylon for the Ceylonese" campaign. "What a few Ceylonese" he asked "are employed with remunerative salaries as compared with the Europeans. In fact the revenue derived from the masses go to pay for an English Civil Service, quite disproportionate to what is done for the natives ... The whole judicial work of Ceylon can be done for half the present cost if more Ceylonese are appointed as petty Magistrates," and the work of the Fiscals if given to Ceylonese would cost one fourth. The Government was too liberal to the "Magic Circle", the Civil Servants, he added.¹ Faced with these opposed pressures the Ceylon Government and the Colonial Office chose to do nothing for the remainder of our period. While the manning of the judicial service, at all levels, was so linked with the question of the prospects of the Civil Service on the one hand and of the local bar on the other, any attempt to improve standards of efficiency had to remain in abeyance.

It has been seen that the Ceylon Government until the end of our period continued to fill the lower judicial appointments almost without exception from the ranks of the European Civil Servants, despite their acknowledged deficiencies in training and experience. In defending this policy, in so far as defence seemed necessary, the Government argued that trained English barristers would not serve at the modest salaries offered, and that the native lawyers who would accept such salaries lacked either character or an adequate legal training. The native press for its part claimed that many Ceylonese were both qualified and fit to be appointed.

1. Overland Examiner 16/7/79. For further critical comments by other correspondents see 3/7/79; 23/10/79.

It is necessary therefore to consider just how effective local provision of legal training was and the justice therefore of the claims and counter-claims about the professional fitness of Ceylonese lawyers. Since broad generalisations regarding the quality of local professional men could scarcely be accurate if based on the high calibre of this distinguished individual or the inferiority of that particular practitioner - and that was Cayley's method of arriving at a judgement - it is necessary closely to review the system of admission to and training within the profession, and to note the changes brought about by Government regulation within the period.

The Charter of Justice of 1833, section 17, had empowered the Supreme Court to "admit and enrol as Advocates and Proctors in the Supreme Courts all such persons being of good repute who shall upon examination by one or more of the Justices of the Supreme Court appear to be of competent knowledge and ability".¹ Section 22 similarly provided for the admission of Advocates and Proctors to appear in any District Court. This very general directive was given some precision by rules laid down by the Supreme Court on 30 December, 1841 which state that the "only requirement for the admission of an Advocate was that he should be a Barrister or Advocate of one of the superior English, Irish or Scot Courts or on examination be found to be proficient in classical attainments, the general subjects for a legal education, and the English and Roman Dutch Law".² Any person over twenty one years of age could be admitted a Proctor of the Supreme Court if a "duly admitted Solicitor or Attorney of an English Superior Court of Record

1. Legislative Acts in Force on 1st January, 1841 - Charter of Justice.

2. Ferguson's Directory, 1866-1868, p.54.

or if he has served for five years as an articled clerk under some Advocate or Proctor or if he has been admitted a Proctor of any District Court and has been in full practice for two years".¹ Similarly any person might be admitted as a Proctor of a District Court if he had served as an apprentice or articled clerk to an Advocate or Proctor of the Supreme Court for three years under a notarial agreement. All Advocates and Proctors entitled to practice in the Supreme Court were also entitled to practice in any District Court, Police Court or Court of Requests while all Proctors entitled to practice in any District Court could also practice in any Police Court or Court of Requests within the district over which the District Court had jurisdiction.²

Under these rules any person whether trained for the Bar or not, without a day's apprenticeship, could apply to become an Advocate and if he passed certain examinations he was entitled to admission. But to be admitted as a Notary or Proctor a person had to serve a period of apprenticeship. In 1873 steps were taken to end this anomaly in regard to Advocates and also to place legal education upon a more systematic footing. The Queen's Advocate Morgan, introducing Ordinance 19 of 1873 for the purpose, pointed out that in England no one could be called to the Bar without keeping his terms, attending lectures and passing certain examinations.³ According to the new scheme there were to be broadly three stages prior to admission as an Advocate. Firstly there was to be an examination as a law student. This was to be followed by a period of study as a law student and as an Apprentice.

1. Ferguson's Directory, 1866-1868, p.54.

2. Section 61, Ordinance 11 of 1868 in Legislative Enactments, 1870. pp.947-948.

3. Debates Legislative Council 1873, p.63; C.O.54.489.382 Gregory to Kimberley 23/12/73.

Finally there was to be an examination for admission as Advocate.¹

To be admitted as a law student a person would have to be 18 years of age, and would have to pass an examination in English Language, Latin and General History.² Applicants would also have to furnish certificates and testimonials testifying to their educational and moral background. If the Council of Legal Education which was to be set up, was satisfied that the applicant was of good repute and had received the "education of a gentleman" they were then to examine him partly by viva voce and partly by written papers in the above mentioned subjects.³ The candidate would then have to pass creditably in each of the three subjects to be admitted. At the discretion of the Council of Legal Education the examination could be dispensed with in the case of a graduate of any University within Her Majesty's Dominions.

After being admitted every law student, before he could become an Advocate would be required to regularly attend a course of lectures on jurisprudence including International Law and Roman Law. The lectures were to be conducted by the Council of Legal Education. The students were to be examined from time to time prior to the Final Examination.⁴ Thus while the first stage was calculated to restrict the indiscriminate admission of law students the period of studentship itself was to involve a regular course of studies. The course of lectures and the supervision of studies

1. Debates, Legislative Council, 1873. p.63.

2. Ceylon Government Gazette 3970 of 27/12/73.

3. A fee of Rs.10/- was charged.

4. The period of studentship was to be a full-time one and law students were debarred from being employed or connected with any trade or business. Every student admitted had to pay Rs.200/- as fees.

to be conducted by the Council formed perhaps the most important feature of the scheme. Hitherto those who wished to enter the profession, whether as Advocates or Proctors had no such facilities and had to rely on self-instruction. Although there had been examinations, there had been no provision for legal education.

Further more, before being admitted as an Advocate every law student was required to have been the pupil of an Advocate practising in Colombo, attending his chambers regularly during pupillage. After two years' studentship a law student could apply to be admitted as an Advocate. At this third stage he would have to produce certificates from the lecturers and the Advocate whose pupil he had been, that they were satisfied with him as a student and a gentleman. If the Judges of the Supreme Court were satisfied with these testimonials the candidate was to be examined by the Council of Legal Education.¹ The subjects of the examination were to be the Classics,² Roman Law, Roman Dutch Law, English, Constitutional History, Principles of the Law of Evidence and Jurisprudence including International Law. Successful candidates would then be admitted as Advocates.

These rules were not to affect the eligibility to admission as an Advocate of a person who had been admitted as an Advocate or Barrister in the Queen's Superior Court of Records in Great Britain or Ireland.³ The right given by the rules of 30th December 1841 to a Proctor who had practised for five years to be admitted as an Advocate was also retained though in future they would only be admitted on passing the prescribed examination.

1. A further fee of Rs.20/- was charged for the final examination.

2. European Classics, of course.

3, Ceylon Government Gazette 3970 of 27/12/73.

This scheme met with a favourable reception and came into force in 1873. It proved valuable not only in enforcing a more rigorous selection and training, but also in providing for the first time some regular system of legal education under ^{the} Council of Legal Education now established. The Council consisted of the Judges of the Supreme Court, the Queen's Advocate, Deputy Queen's Advocate and such others as the Judges might consider fit to appoint each year. Its main function was to arrange for the delivery of a course of lectures, not less than ten per year. The lecturers were to examine the students from time to time and give them necessary advice. These lectures were not restricted to Advocate students alone. Members of any branch of the legal profession, their secretaries, pupils and clerks and all members of the Government service might attend them on payment of a fee of Rs.20/- for each course. Others could do so on payment of Rs.30/- for each course. Advocate students were exempted from payment. The fees collected were utilized to defray the expenses connected with the examinations, payment of lecturers and for building up the Supreme Court Law Library.

Thus more stringent regulations had been laid ^{down} regarding the admission of Advocates. But the vast majority of the Ceylonese who entered the legal profession did so not as Advocates but as Proctors. The total number of Advocates for the years 1868 and 1883 respectively was 16 and 34, of Proctors 205 and 285.¹ In terms of numbers, the Proctors, who may roughly be equated with Solicitors in England thus formed the most important

1. Ferguson's Directory 1866-1868, pp.L11 ff and 1883 pp.472-477.

element.¹ Many of them practised in the District and other minor courts, where petty cases were numerous. Moreover to be enrolled as a Proctor of a District Court needed only three years apprenticeship as against five years required to be admitted as a Proctor of the Supreme Court.

The need for improving the mode of enrolling Proctors had been the subject of comment for some time. The writer of the legal notes in Ferguson's Directory, himself a lawyer, after describing the existing procedure added "There has always been a great laxity in the admission of candidates to be Proctors, one consequence of which has been that the Bar has become fearfully overcrowded and includes in its ranks many most inefficient and unscrupulous characters".² He expressed a hope that before it was too late steps might be taken whereby greater discrimination and care might be exercised in admitting men. The Examiner, usually a protagonist of native interests, was also driven to comment on the subject, suggesting in 1875 that "the best and surest expedient for checking the growth of second rate Proctors is to subject all candidates to a searching examination in English before they are allowed to bind themselves as apprentices".³ A middling knowledge of Latin also might be insisted on the paper added. Only on passing such an examination should they be allowed to enter into articles. The paper returned to the question in 1877 when, taking the cue from the new regulations laid down regarding Advocates, it stressed the need to regulate

1. The educational attainments required of a Proctor were lower than those of an Advocate. The practice was for Ceylonese to enter the profession as a Proctor and after practising for five years to enrol as Advocates as permitted by the rules. A few Ceylonese travelled abroad and being qualified as Barristers were enrolled as Advocates in Ceylon.

2. Ferguson's Directory, 1866-1868, p.54.

3. Overland Examiner 8/7/75.

the admissions as well as providing for a period of apprenticeship. A preliminary examination was required to keep out half-educated men, "Young men whose parents ... were the personal friends of leading Advocates and Proctors found no difficulty in getting themselves articles and as these leading lawyers or most of them were of the Board of Examiners ...there was a good deal of accommodation business done ...".¹ It was inevitable under such a system that a general lowering of the standard should have resulted. An attempt had been made to require candidates for apprenticeship to pass a preliminary examination in English and general subjects during the Chief Justiceship of Creasy, but there had been a return to laxity after his departure, since no specific legislation enforcing those requirements had been passed.² The current practice, the Examiner stated in 1879 was for a candidate to be introduced to the Judges to whom was left the discretion of examining him preparatory to admission as a law student. The discretion was seldom used adversely and candidates were admitted merely on academic and character certificates as apprentices.³

Not only was there laxity in the admission of candidates to articles, but those admitted had no facilities for regular instruction in legal studies. In this respect, too, the provisions regarding Proctors fell short of those for Advocates. Since this lack of proper training was one of the reasons adduced by Cayley against the recruitment of Proctors to judicial posts, the Examiner did not fail to draw attention to the lack of

1. Overland Examiner 18/1/77.

2. Creasy was a Judge and a scholar and possessed special experience in educational matters. The new regulations regarding Advocates, and the system of law lectures were introduced mainly at his initiative. See

3. Overland Examiner, 20/12/80; 16/1/79.

such facilities. The system stood doubly condemned, it said; not only were inferior men admitted to apprenticeship, but they also did not receive any systematic instruction. It was natural that those so easily admitted to apprenticeship should find it increasingly difficult to reach the standard required for final admissions as Proctors. The Examiner therefore urged that greater facilities for acquiring a legal education should be made available: "The mere exaction of a high standard ... without prescribing a method of acquiring it" would be shutting the door against fresh admissions.¹ What was needed was not to prevent admissions but to admit qualified men. Deterioration had been caused not merely by admitting large numbers, but bad men. "At present there is no such thing as legal education. The youthful aspirant to forensic honours is left pretty much to his own devices and has to coach himself ... for the necessary examination. As a rule a young man who is articled to a Proctor, attends Court and goes through some of the routine work in Court and beyond that he does little except perhaps the perusal of a few text books ..." James de Alwis an eminent Sinhalese lawyer and scholar, has left behind in his memoirs an account which suggests that the paper was not exaggerating. He relates that he was faced as an apprentice not only with a lack of any systematic instruction but also by great difficulties in acquiring the books recommended to him by Beling, to whom he was articled.² He frequently obtained a loan of a book from Beling. It was only after obtaining a loan of £30 from

1. Overland Examiner 13/10/74.

2. De Lome's English Constitution, Blackstone's Commentaries, Van der Linden Starkie on evidence, Local Ordinances, Rules and orders. (Memoirs and Desultory Writing of James de Alwis - p.68).

a friend, a Mudaliyar in Matara that he procured the books. Even then he writes "I cannot say I made much use of the books".¹ And this was not an average student. Alwis' experience of course refers to the forties of the century. But the position of a proctor student does not appear to have improved very much in the seventies.

Accordingly in 1879 the paper was complaining about the absence of proper instruction.² It was receiving complaints from students of failure in the examination. Though adhering to the view that there should be restriction in admission to apprenticeship it denounced the policy of "not attending to the wants of the law students in ... their education" as being despicable. After being apprenticed for three years the student was expected to "read up for himself all the books prescribed for the Examination". It urged that the system of instruction provided for Advocates by the Ordinance of 1873 be applied in a more comprehensive manner for the benefit of all law students. There were said the Examiner about two hundred students all over the island, and if such a scheme was implemented "gigantic strides in the advancement of legal education" would be made.³ It suggested that if each law student paid Rs.500/- as fees on entering into articles a sum adequate to employ three lecturers would be available. Many advocates were ready to undertake lectures for remuneration.⁴

But the position did not improve. Thus four years after Queen's Advocate Cayley's strictures on the deficiencies of the native Proctors,

1. Memoirs and Desultory Writing of James de Alwis, p.69.

2. Overland Examiner 16/1/79.

3. Ibid. 20/12/80.

4. Overland Examiner 20/12/80; 23/7/81.

Justice Clarence in 1882 made stricture an even more severe. "Another difficulty lies in the poor quality of the professional assistance available to the suitor. Not only do Proctors who sign the pleadings and generally appear for litigants seem to be but slenderly endowed with legal knowledge, but there seems to be a conspicuous absence of anything like advice. An English solicitor inquires into his clients' case and assures himself of ~~his~~ strength before he advises the client to bring an action or defend one. My own observation and the information I have received from those on whose experience I can rely, induces me to believe that most Ceylon Proctors scarcely think of anything of that kind. Thus the rolls of the Courts are swelled with a number of actions which a suitor properly advised "would not have undertaken. European litigants frequently complained of the manner in which their interests were sacrificed by Proctors and if this was their experience "the native, ignorant of English and constitutionally timid and servile is likely to fare ... worse. Even if ... a Court passes censure upon some ... malpractice or neglect, it is improbable that the fact reaches the ears of the client".¹ Clarence's observations were considered as containing "sweeping strictures on the ability on the whole" profession and as being rather indiscriminate by Longden.² Nevertheless, they indicate that the position was far from satisfactory. The criticisms made by Clarence were broadly two-fold. Of them, that regarding the poor quality of the lawyers was not surprising in view of the lack of instructions. The other reflected on their character and integrity.

1. C.O.54.539.237 Longden to Kimberley 31/5/82: Encl. Clarence's Memorandum of 9/5/82.

2. C.O.54.541.408 Longden to Kimberley 25/9/82.

The latter fault must be attributed, in part at least, to the overcrowding of the profession. The profession might be lucrative so far, at least, as the abler and senior men were concerned.¹ But with the influx of larger numbers it was to be expected that advancement should become increasingly difficult, especially for Proctors of inferior ability.² By 1873 the practice of "hugging" had come to prevail among the lawyers. A large number of middle men variously referred to as "hawkers", "out-door Proctors" and so on were engaged in bringing cases to Proctors who lacked business.³ Magistrate Conelly had investigated a number of cases against these non-descripts, "a set of men who though not recognized by the Council of Legal Education have yet taken firm footing in the purlieus of Hultsdorp". By introducing suitors to Proctors they received a commission.⁵ The Examiner denounced the evil and pointed out that lawyers who patronized them were to blame for it. Their use had "given an unfair advantage to inferior men in the race for professional distinction and has deprived men of ability of

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1. Lawyers like Lorenz and Alwis who entered the profession in the middle of the century appear to have built up a practice relatively easily. The former's biographer, Blaze, writes that during the first year of practice Lorenz's fee book showed that he had earned about £500. "Practice increased rapidly and he was soon in very good business". Blaze adds that "even now a century later it is unlikely that any Ceylon Proctor of whatever genius" should make a similar amount in the first year of practice. (Blaze: Life of Lorenz, p.153). Alwis says in his memoirs: "I never rose very high in the Bar ... though I have always had a fair share of the business and never had any reasons to complain of the smallness of emoluments". His receipts at the end of the first year of practice was £108.10s.0d. and that as a Proctor of the District Courts. (Seneviratna: Memoirs of Alwis, pp.142; 85).
 2. Lawyers had been excluded from practising in the Village Tribunals established under the Ordinance of 1870, which transferred to these Tribunals many of the petty disputes previously dealt with by the Police Courts. Proctors had also been excluded from appearing in the criminal sessions of Supreme Courts, when at least two Advocates were available. These changes could only have further curtailed the opening for Proctors. (Overland Examiner 10/9/74; 31/7/76).
 3. Overland Examiner 8/3/73.
 4. Ibid. 25/5/75. The Courts in Colombo were situated in Hultsdorp.
 5. Overland Examiner 22/6/75.

their just emoluments".¹ Suggestions were even made that fresh legislation should be enacted for dealing with the evil. But the lawyers decided to take voluntary action and a meeting of lawyers was held at the Law Library for the purpose of purging the Courts of these pests. It was resolved that lawyers should bind themselves to abstain from having any connection with the nefarious activities of the hawkers.² This scandalous state of affairs seems to demonstrate the dangerous pressure created by the continued over-crowding of the profession.

The over-crowding represented in part the entry of new groups, Tamil and Sinhalese, into a profession which hitherto had been almost pre-empted by the Burghers. As in the case of certain branches of the public service, the Burghers had started at an advantage. But by 1868 out of 221 lawyers in the island 140 or so were Burghers. Already there were about 65 Sinhalese and 15 Tamils.³ The Burghers' greater acquaintance with the English language had given them a good start since in the legal profession the ability, not merely to read and write the language but also to speak it fluently was essential. The difficulties which faced a Sinhalese youth on this score are referred to by James de Alwis in his Memoirs. "Though perhaps, I could express myself tolerably well in English, I was not quite sure that I should keep pace with any Burgher bretheren or make an

1. Overland Examiner 25/5/75.

2. Ibid. 1/9/75.

3. It is not possible to determine the exact numbers belonging to each community as there are always a certain number of names which could belong to any of the three communities.

impression in fluency of speech".¹ His discussions with his friend Dunuvilla, later Deputy Queen's Advocate and his own reflections led Alwis ~~also~~ to some interesting conclusions on the linguistic problems facing the Sinhalese candidates for a legal career. "Burgher boys spoke English from their infancy: we did not. They were not embarrassed with the study of Sinhalese at an early age: we were. From this fact one ought to learn that we natives of Ceylon who desire to master the English language must resort to means other than those usually employed by Englishmen or English speaking Burghers. The education that is suited to them is utterly unsuited for us. As we never think of learning to pronounce Sinhalese words, an English lad seldom learns it from his teacher in the strict sense of the word ... the Sinhalese boy who is bent on studying English is never taught anything beyond that which is enough for the English boy viz. to read, i.e. to peruse what is committed to writing. It is on this account and the rare opportunities which a Sinhalese lad has of moving among English speaking men, that we generally find, as it has been often remarked by many a Board of Examiners, that the Sinhalese boys though more learned than their Burgher counterparts were yet inferior to them in expressing themselves".² He added that for want of conversation the Sinhalese lacked the readiness of speech which was so essential in the legal profession.³ Sensible of these drawbacks, he had sought to improve his pronunciation by listening to

1. Seneviratna: Memoirs of Alwis, p.73.

2. Ibid.

3. Another defect in the education of the natives, he asserts was that they were never taught to read and write with a view to acquiring a style. They read with a view to learning the substance of what is written. It was no wonder that they were slow in acquiring an intimate knowledge of the language. (Ibid. p.74).

educated persons and not having anyone to speak to in English at home, he and his friend Dunuwilla, agreed not to talk to each other except in English. They attended all the public meetings; lost no opportunity of hearing eminent advocates speak at the Bar or learned divines in the pulpit.¹ The two composed mock speeches and recited them in each other's hearing. They committed to memory "some of the best specimens of oratory of Brougham, Curran, Emmet, Chatham and others. Alwis recounts how with Martenz, a would be Burgher lawyer, he participated in imaginary court cases. Alwis adds that in his early years he wrote all his speeches and committed them to memory."² The vivid details of the Memoirs underline the great handicaps which Sinhalese or Tamils faced and the immense efforts which the best of them made to overcome them.

But however handicapped Sinhalese and Tamils might be in relation to the Burghers, and all three were badly served as law students, the total numbers of lawyers continued to rise, and the share of Sinhalese and Tamils to grow. Whereas in 1868 there had been 220 lawyers all told, 68 Sinhalese and 15 Tamil, by 1883 the total had risen to 320 and the Sinhalese at 103 and Tamils at 45 together formed almost half of the practitioners. The fact that a majority of the judicial establishments were in Sinhalese parts of the island seems to account for the relatively small number of Tamils in the profession, for except in urban areas it was certainly

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1. Seneviratna: Memoirs of Alwis, p.75. He did not lose a single Sunday listening to Rev. Owen Glennie a paragon of perfection in speaking. He describes Glennie as speaking with a saxon accent in "dulcet tone of incomparable voice".
 2. Ibid. p.84.

difficult for a Tamil Proctor to build up a practice in a Sinhalese district.

Though over-crowding and inadequate training were seen to be evils adversely affecting the profession of Proctor in Ceylon, Government made no move during our period to remedy the defects. But in the other great profession for which some knowledge of the law was needed, that of Public Notary, the Government did intervene to uphold standards, for here its own interests were involved, not merely the public's. The office of Notary had existed in Ceylon since the days of Dutch rule, but though the profession was exclusively in native hands there was only a sprinkling of Burghers, the Sinhalese predominating.¹ Quite early in our period this profession too began to suffer from over-crowding with a consequent impairment of efficiency, and by 1873 the Government prepared to intervene to secure reform.

In that year the Queen's Advocate introduced Ordinance 16 to tighten up the system of admission and improve the legal education of apprentice Notaries. Introducing the Ordinance in the Legislative Council, Morgan declared that in the past Notaries had deserved the distinction of "honestus" but that more recently their right to such a distinction had become questionable. "Doubtless men of the highest respectability and worth ... still practise as Notary; but ... a very large number have gained admission who are utterly unfit" as regards both character and attainments.² This was largely a result of the shortcomings in the provisions regarding apprenticeship laid down in the existing Ordinance Number 16 of 1852.

1. Ferguson's Directory 1875, pp. 573; 316.

2. Debates, Legislative Council 1873, p.54.

The Queen's Advocate pointed out that though otherwise an excellent Ordinance, its provisions were too loose for "the circumstances of the present day when the profession is overstocked".¹ Under that Ordinance a person who had served as an apprentice for three years under an Advocate, Proctor or Notary became entitled to appointment as a Notary.² The examination for recruiting Notaries had become a mere form and the most incompetent men were admitted.³ It was therefore necessary to improve the system of admission to the profession.

The new Ordinance sought to secure tighter control and improved training by requiring that apprentices should be articulated to Advocates or Proctors but not to Notaries. Candidates, after apprenticeship, were to be examined by a person or board appointed by the Governor. The Governor and Executive Council were also given large powers to remove existing Notaries, guilty of "improfessional or improper conduct" but who could not be criminally prosecuted in the Courts.⁴

These provisions were however not adequate to arrest the deterioration which had commenced. The implementation of the Land Registration scheme introduced under the Ordinances of 1863 and 1865 required a positive improvement in the Notaries if the scheme was to be effective. Gillman, who had been deputed to enquire into the working of the scheme, in his report of 2nd May 1875 came out strongly for an improvement of the quality of the Notaries. "The Notary ought to be among the most respectable men in

1. Debates, Legislative Council 1873, p.54.

2. C.O.54.489.385 Gregory to Kimberley 24/12/73.

3. Ibid.

4. Ibid. Ceylon Government Gazette 3967 of 13/12/73.

his District; he should be fully competent and very intelligent. There will be no insuperable difficulty in getting such men if only the post of Notary is itself made honourable and the appointment be sufficiently restricted to prove remunerative. It is scandalous that our Government should tolerate the existence of needy Notaries, travelling as they sometimes do, for work, not earning enough for a livelihood and being thus driven as it were to lending themselves ^{as} to ready abettors of fraud".¹ The Ordinance of 1873 had been mainly an attempt to raise the standard of training of the Notaries. Gillman's report drew attention to a different problem, that men of the right quality failed to be enrolled not merely owing to the defects in the system of admission but because the office was not remunerative enough. To support his contention he cited figures indicating the distribution of work among the Notaries in the island.² Gillman contended that there were too many Notaries for the amount of work available

1. C.O.54.498.313 Gregory to Carnarvon 4/11/75: Gillman's Report 2/5/75.

2. The distribution of work among Notaries in certain districts.
Notaries grouped by number of deeds executed, 1874.

District - population	5	13	8	21	24	25	23	5	124
Colombo - 23,823	5	13	8	21	24	25	23	5	124
Kandy - 30,276	2	8	5	6	23	26	28	10	108
Galle - 16,268	3	5	4	8	12	8	9	13	62
Ratnapura - 4,402	0	1	1	1	7	5	2	1	18
Negombo - 9,259	1	1	2	2	3	4	8	5	26
Badulla - 3,620	1	0	0	2	5	0	4	1	13
The number of Deeds executed	0	0 to 25	26 to 50	51 to 100	101 to 200	201 to 300	301 to 400	over 500	Total Number of Notaries

Gillman thinks there might be many more Notaries than those shown above who did not execute deeds in 1874.

and that this made the office unremunerative. He proposed that where a Notary failed to execute a certain number of deeds and where such Notary practised within a certain distance of another Notary with a larger practice, the unsuccessful Notary's warrant should be cancelled.

Gillman also proposed steps to improve the supervision of Notaries. He considered it absolutely essential that they should be under the supervision of the Registrar General.¹ He should be empowered to refuse to accept a deed irregularly and improperly drawn up where the land was not accurately described by its proper name, boundaries, extent and situations. Only then would it be possible to work the Land Registration Scheme satisfactorily.

The Judges of the Supreme Court generally concurred with Gillman's proposals. They did not however agree with the proposal for curtailing numbers by cancelling the warrants of the less successful Notaries. "Such a course ... would tend to promote an eagerness and rivalry in canvassing for business which would be by no means desirable".² But even the Judges appear to have recognized the need for some form of restriction upon the admission of Notaries. Accordingly they proposed that the appointment of Notaries should be in "the absolute discretion of the Governor in Council; that the office should cease to be an open profession as it is now. Such a provision may seem somewhat harsh and arbitrary", they agreed, but the

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1. About 150,000 deeds were annually executed before Notaries. About three fourths of all deeds executed affected land.
 2. C.O.54.498.313 Gregory to Kimberley 4/11/75: Encl. Judges' letter to Governor 8/10/75.

existing system was so fraught with mischief that stringent measures had become necessary. Both Gillman and the Judges wished to regulate the number of Notaries, but while Gillman would not interfere with the mode of admission but remove those who failed to build up a satisfactory ^{practice}, the Judges would prefer to avoid interfering with practising Notaries by restricting admission itself.

Gregory writing to Kimberley, the Secretary of State expressed agreement with Gillman as to the unsatisfactory state of the Notarial system. Gregory was now desirous of "laying the axe at the root of the tree and placing the whole system on a different footing. The wholesale admission of all qualified candidates which now prevails does not allow of an honest livelihood being gained by a large number of the profession.... Restriction of the number of Notaries swarming over the country is the first and most important step to be taken".¹ He agreed with the Judges however, rather than with Gillman over the method to be adopted. The Office of Notary should not be an open profession he held. In every village or town where one or more Notaries were required, the Government should select men duly qualified and of high character. He wanted the Notarial system to approximate to that in France, where one of the most trustworthy and respected men in each small community was appointed Notary.²

Gregory had wanted to introduce a more drastic change in 1873 than that actually done. But Morgan, Queen's Advocate had opposed it at that time as he thought that there should be "free trade and unrestricted competition

1. C.O.54.498.313 Gregory to Kimberley 4/11/75.

2. Ibid.

among the Notaries and that every man should be enrolled who was duly qualified".¹ Latterly, however, Morgan had changed his opinion and wanted the recruitment of Notaries to be restricted.

The Report on the Notaries Ordinance submitted by Morgan is valuable as revealing the important role that Notaries played in the administration of the island. Land in Ceylon was distributed amongst a far larger portion of the population than in England. It was believed, indeed, that the great majority of the people had some kind of interest in the soil. Thus in nearly all these multifarious dealings regarding land the assistance of the Notary was needed.² "The Notary Public has thus become the village lawyer. He not only attests but proposes all the instruments requiring notarial execution; he brings lender and borrower together when a loan or mortgage is required; his counsel is sought for in matters of legal difficulty and to him are confided the secrets of many families. It was to him that the administration of justice looks for trustworthy testimony when deeds are impeached."³ Therefore a superior class of persons was

1. C.O.54.498.313 Gregory to Kimberley 4/11/75.

2. C.O.54.506.36 Birch to Carnarvon 7/2/77 and Enclosure. As the Queen's Advocate put it in introducing the Ordinance of 1873, under the Ceylon law the Notary was "deemed equal to three witnesses". (Debates Legislative Council, 1873, p.54).

3. C.O.54.506.36 Birch to Carnarvon 7/2/77 and Enclosure. The Regional distribution of Notaries was as follows in 1875:-

Colombo 120)		Southern Province 55)	
Kalutara 48)	Western Province	Matara 24)	Southern Province
Negombo 26)		Tangalla 11)	
Ratnapura 17)			
Kegalle 14)			
Central)	Central Province	Kurunegala 20)	North Western Province
Ce Province 98)		Chilaw 18)	
Province 98)		Batticalo 1)	
Badulla 11)		Trincomalee 3)	
Northern Province 74)	Northern Province		(Ferguson Directory 1875, pp.573 ff.).
Mannar & Mullartiva 10)			

needed. They should be men with fair professional attainments but also should be men of character and responsibility. It was a matter of notoriety however that they did not fulfil these requirements. What was worse "wherever a fraud is to be perpetrated the instrumentality of the Notary is always procurable". The greater number of forgeries committed were effected by the agency of Notaries who were either partners to the fraud or wilfully shut their eyes to the matter. The Office of Notary carried with it considerable influence, the incumbents were evidently not always worthy of the responsibility.

The reason for this had been already indicated by Gillman in his report of 1875. The Officer~~y~~ was not sufficiently remunerative. The Queen's Advocate, concurring with this view, elaborated the position further.¹ In 1876 there were some 600 Notaries in the island and Morgan argued that the notarial business of more than half of them would not keep them from starvation. The fees they received for preparing and executing deeds were one rupee if the value of the property was less than Rs.100/- and one and a half rupees if it was over Rs.100/- . The result was that they were often obliged to engage in other occupations like trade which prevented them from giving due attention to their legitimate functions.

Accordingly Ordinance 2 of 1877 modified the existing procedure for admitting Notaries. For admission as a Notary a person should be of good repute and be twenty one years of age.² The period of apprenticeship prescribed in the previous Ordinance was to continue. No articulated clerk

1. Debates, Legislative Council 1876, p.146.

2. Ceylon Government Gazette 12/1/77.

was to engage in any trade or business. Applicants for Notaryships were to be referred by the Governor to a person or board to inquire and report on his fitness and attainments. Those found competent were to enter into a bond for Rs.1000/- and were to reside in the districts to which they had been appointed. They were also to obtain a certificate yearly for which a fee of Rs.5/- was charged. But the most important provision was that enabling the Governor to determine the number of articulated clerks to be licensed for each district.¹ By this means unrestricted enrolment was eliminated.²

From this review of the legal profession in Ceylon it will be clear that Government was prepared to admit the trained native lawyer to the highest positions in the judiciary, and to make use of their services as Advocates, Proctors and Notaries. This acceptance of the native lawyer stands in sharp contrast to Government's treatment of Ceylonese in relation to revenue appointments. The law was obviously considered a proper field of employment for the native, while senior-level administration was not. As early as 1868 Robinson had observed: "Natives makes tolerable Magistrates and rise sometimes to District Judgeships, but the jealousies of race are so strong and the natives view each other with such distrust and are so incapable of governing Europeans, that a great change must take place in the social condition of the colony before natives can be entrusted with the administration of political and revenue appointments such as the

1. Ceylon Government Gazette 12/1/77.

2. Ibid. C.O.54.506.36 Birch to Carnarvon 7/2/77.

different agencies and assistant agencies".¹ It is clear that from the point of view of power and influence the holders of judicial appointments were relatively innocuous.

In denying natives access to the real centres of power in the administration, the Government and its officials were prone to lay stress upon the failures of character in the Ceylonese as much as upon their professional inadequacies. The Overland Observer has been seen attacking the native Bar not as incompetent but scoundrelly, and demanding that a rule regarding character should be enforced in admitting advocates in the future, character and rectitude being as important as a knowledge of the law. From such a position, it was not difficult to proceed to a belief that 'character' was the hallmark of an Englishman, as its absence was that of a native. Any suspicion in Ceylonese minds that this was the attitude of the European, readily impaired the confidence of the educated classes in Government's fair-mindedness, and might lead to direct allegation of racial discrimination. It is as a clear example of this process that consideration is here given to the controversy which broke out in 1872 over the Colonial Chaplaincy of Trinity Church, Colombo.

The Church of England in Ceylon was at this time endowed by the Government and the principal ecclesiastical offices were included in the civil list and paid out of public funds. ~~So when~~ In 1872, Ondatjie a Tamil

1. C.O.54.434.114 Robinson to Buckingham 23/5/68. Robinson in a separate memorandum, pointed out that Governors Ward and MacCarthy also in Confidential despatches of 23/6/60 and 13/12/60 respectively had expressed the same opinion. Flauderka a Burgher who had been placed in charge of the Northern Province for a short period to act for Dyke, had miserably failed. (See C.O.54.439 Robinson's Memorandum 4/12/68).

Chaplain applied for the Chaplaincy of Trinity Church and was rejected on the advice of the Bishop. The most acrimonious dispute which ensued between Ondatjie and the authorities came to be discussed as a matter affecting native claims to Government employment, notwithstanding the ecclesiastical nature of the office. The rejection of his claim drew from Ondatjie a vehement protest.¹ He was a man of considerable intellectual attainments and social position and this aroused wide public interest in the matter. The principal Colonial chaplaincies were at the time held exclusively by English clergymen and when it became known that the vacancy at the Trinity Church was about to be filled by one of them, Ondatjie wrote protesting to the Bishop.

In his letter Ondatjie questioned the desirability of appointing an English clergyman who could not possess the knowledge of the country and its people which he did, while in addition he was able to preach to them in all three languages. To take into account considerations of nationality would be at variance with the spirit of British administration. "To see prize after prize being given away to strangers from England" would tend unavoidably to destroy all energy and dampen all zeal among the local clergy.² Three days later he followed this up with a still stronger letter to the Bishop urging that the appointment of an English clergyman in preference to him would be calculated to create the impression that invidious distinctions of race were being recognized by the Bishop, rather than merit wherever found, irrespective of class or colour. It was not proper he objected that

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1. C.O.54.478.166 Gregory to Kimberley 2/9/72: Encl. Ondetjie's Memorial to the Secretary of State 26/8/72.
 2. C.O.54.478.166 Gregory to Kimberley 2/9/72: Encl. Ondetjie's letter to the Bishop 20/8/72.

Every good appointment should be "given to some clergyman in England who had not done a day's work in the diocese and who comes out only to receive the prize which belongs by just right to another".¹

These vigorous protests having failed Ondatjie then submitted a long memorial to the Secretary of State. In this he set out at length his personal qualifications for the Chaplaincy.² Ondatjie pointed out that he had been promised the Chaplaincy by a former Bishop, Bishop Cloughton and that his supersession now by an English Clergyman would jeopardise his chances of promotion.³ The Colonial Clergy, he urged, had been working on small salaries in the hope of better prospects. To them it would be disheartening to see every good appointment being given to men who had never served the Government. Furthermore, the congregation of Trinity Church consisted almost entirely of his own countrymen among whom he moved and who he believed strongly desired his appointment. He inquired how the Government which dealt so justly and impartially with all classes of its subjects could exclude him from this appointment on grounds of "nationality". He further informed the Secretary of State that the Ceylon press itself was in favour of his appointment and implying that this indicated popular support on his behalf, asserted that the whole Christian community had come

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1. C.O.54.478.166 Gregory to Kimberley 2/9/72: Encl. Ondatjie's letter to the Bishop 23/8/72.
 2. He was a Tamil he stated, descended from one of the first families of the island. His ancestors had held responsible offices under the Dutch in Ceylon. One of his kinsman, Peter Ondatjie had been educated at Utrecht University and had played a conspicuous part in the French Revolutionary wars. The writer himself had received a Theological and Classical education at Calcutta. He knew Sanskrit and was a Tamil Scholar. (Ibid. Ondatjie's memorial to the Secretary of State 26/8/72).
 3. Ondatjie's claim was admitted at the Colonial Office by Wodehouse who quotes a private letter from Bishop Cloughton dated 21/7/71 in which the latter stated "If Trinity should become vacant, the strongest claim (sic) is the Rev.S.D.Ondatjie ... who ministers in English exceedingly well and has seen long service". (Ibid. Wodehouse's Minute of 14/10/72).

forward in his support and that the public voice had denounced the appointment of an English Clergyman to a position which by right belonged to one in the island.¹ He may have exaggerated somewhat, but the dispute had in fact become so acute that it received wide publicity. Both the Examiner and the Observer had already discussed Ondatjie's claim and on 3rd September a correspondent to the former championed him most vigorously writing that Colonial Chaplains were as much public servants as others paid from public funds and that their claims should be considered irrespective of nationality. "It is incredible ... that a man of Rev. Ondatjie's undoubted talent ... has been kept down for thirty years to a place of £250. Except upon the principle that kissing goes by favour ... it is impossible to explain away this monstrous anomaly. This kind of treatment is not likely to attract many native gentlemen of education to the ranks of Colonial Chaplains". The paper itself commented editorially: "Mr. Ondatjie if a native is second to none of his European colleagues in Scholarship". "If he is not appointed "class feeling" would be considered the real cause of his being passed over."² Letters, memorials, correspondence and editorials all proved of no avail. The Chaplaincy was eventually conferred on an English Clergyman. Nevertheless both the home and local authorities did show an increasing sensitivity to charges of discrimination on the grounds

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1. Introducing what appears to be a note^{of} "oriental patriotism" he even lamented that his only misfortune lay in that the sun of the East had looked down on him, the East to which the West owes its all and which was the cradle of the world's civilization.
 2. Overland Examiner 3/9/72; See also Overland Examiner 21/8/72 and Overland Observer 6/8/72.

of race and nationality.

This was apparent for instance in Gregory's handling of the question of granting a special pension to James Swan, the Principal Assistant Colonial Secretary. He recommended a special pension for Swan over and above the actual rate due to him, in view of his exceptionally long and excellent services.¹ The Secretary of State turned down the recommendation on the ground that special pensions could be given only to officers who had rendered services altogether in excess and beyond the scope of the normal duties assigned to them.² Gregory explained that Sir Edward Creasy, the Chief Justice had earlier been granted a special pension, although he had not rendered any extraordinary services such as the Secretary of State demanded in Swan's case.³ Creasy's pension moreover had been sanctioned in the teeth of strong opposition from all sections in the colony, including Gregory himself.⁴ The claims of Swan were indisputably stronger than those of Creasy, Gregory argued, and he expressed the hope that "the recognition ... granted to an European (Creasy) contrary to the general opinion of the colony would not be refused to a native whose merit is so universally recognized that a signal tribute to it would meet with unanimous approval".⁵ Swan, he added was a source of encouragement to his fellow

1. C.O.54.502.219 Gregory to Carnarvon 9/8/76.

2. C.O.54.502.230 Carnarvon to Gregory 3/9/76.

3. C.O.54.504.367 Gregory to Carnarvon 22/11/76.

4. Swan had commenced his career as a Clerk in 1831 and risen to the Principal Assistant Colonial Secretaryship, counting thirty years of service. According to Gregory, he was conscientious, remarkably efficient and extremely trustworthy, having charge of the confidential and important documents of the colony. He was one of the exceptionally rare Ceylonese who had risen to such high position in a non-judicial appointment.

5. C.O.54.504.367 Gregory to Carnarvon 22/11/76.

countrymen, a living proof of the readiness of the British Government to allow even a humble clerk to raise himself to one of the most coveted posts in the Civil Service. Making a point by point comparison between Swan and Creasy, Gregory stated that both had resigned owing to ill health, both had large families and had struggled hard to educate their children. Swan who had served for forty years, had never absented himself from work while Creasy in fifteen years of service had been on leave for thirty two months. The Colonial Office considered this to be an insinuation of differential treatment as between Europeans and natives. But they were hard put to it to counter Gregory's remarks.¹ Though they had strictly adhered to the requirements regarding Swan's case they had not done so in Creasy's. The situation was saved only by availing themselves of a private letter written by Robinson, Gregory's predecessor to an official at the Colonial Office.² This letter provided the formal requirement for granting Swan a special pension without accepting Gregory's line of reasoning. According to Robinson, Swan though only holding the post of Principal Assistant Colonial Secretary had actually performed some of the duties which belonged to the Colonial Secretary himself.³ Thus he had performed special services beyond the scope of his normal duties, satisfying the condition laid down by the Colonial Office, and the Secretary of State could sanction the special

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1. C.O.54.504.376 Gregory to Carnarvon 22/11/76: Roger's Minute of 9/1/77 and Lucas Minute of 18/1/77.
 2. C.O.54.504.367 Gregory to Carnarvon 22/11/76: Cox's Minute of 25/2/77.
 3. Ibid. Robinson's private letter to Herbert 23/12/76. Robinson stated that every Despatch, Minute or Paper which was not drafted by Robinson had been drafted by Swan, as Gibson, the European Colonial Secretary could not write official papers with facility. Swan had given Robinson every help that was usually given by the Colonial Secretary..

pension. The Colonial Office thus saved face - but not before even the Observer, the English owned paper, had been moved to angry denunciation of the distinction between Creasy and Swan. The Observer wrote: "But Lord Carnarvon could now be as penurious as he had previously been profuse with the colony's money ... We do not care to conceal our shame and indignation, the more especially as Mr. Swan is not a member of the ruling race; he is only what the late Sir Richard Morgan was, a Ceylonese".¹ It urged the Governor not to allow the colony to be "ridden over roughshod and subjected to the double insult in the order for a special pension in one case (i.e. Creasy's case) when no claim on the colony existed and the refusal to permit the Government ... to do bare justice in the other."² The Observer wanted Gregory to compel the Colonial Office to reverse the decision "even though they may contemptuously wonder at so much fuss being made about one who does not strictly belong to their caste".³

The effects of such plain speaking may perhaps be seen at work in the Colonial Office in another case in 1883. The issue was a request by a European Judge that the pension rules be waived in his favour. According to the regulations in force at the time a Civil Servant promoted to the Supreme Court Bench had to serve seven years before deriving any pension benefit on account of the services as a Judge. This rule had earlier been enforced in the case of a Ceylonese Judge, but in 1883 the Colonial Office proposed to sweep away the restrictive provision, so as to accommodate

1. Overland Observer 26/7/80.

2. Ibid.

3. Ibid.

Chief Justice Cayley who had less than the full seven years' service. However, the Colonial Office itself, appears to have become somewhat apprehensive of the implications of such acts. A cautious official observed that "in some quarters perhaps the objection may be taken that we make no difficulty about altering our rules and making special arrangements in the case of English Chief Justices such as Sir Edward Creasy and S. R. Cayley whereas in the case of the much respected native Judge Stewart, we upheld our rules to the letter even though ... we had at first agreed to concede ... what he asked".¹

The Colonial Office did amend the regulations in Cayley's favour, just as it had earlier ignored its own requirements in Creasy's case. But it is clear that issues such as these which earlier would have been treated merely as isolated personal grievances to be dealt with on their individual merits, were now assuming a public importance as matters involving the policy of the Government towards the natives. They bore a special significance to the class of educated Ceylonese, consisting particularly of lawyers who were aspiring to higher public appointments on a par with European Officers. Their aspirations were becoming difficult to satisfy with the limited openings currently available to them. The Government on the other hand could not satisfy these aspirations without transferring to Ceylonese Officers a considerable measure of the power and influence wielded by Europeans.

Government was certainly not ready for any such indiscriminate throwing open of offices to them, and when Gregory did put forward the more modest, limited plan for gradually throwing open the entire judicial branch

1. C.O.54.546.142 Longden to Derby 7/4/83: Round's Minute of 16/5/83 (See also Carnarvon Papers, Gregory's letter to Carnarvon 15/9/75).

of the Civil Service to the Ceylonese, the Colonial Office ignored the proposal. Individual cases and issues continued therefore to be dealt with piecemeal as they arose. Matter continued to drift in this way until the need for a more comprehensive review pressed itself on the attention of the authorities with the appointment in 1882 of the Retranchment Committee.

This select Committee of the Legislative Council to enquire into public expenditure was set up in 1882.¹ The Committee had been set up because the revenues of the island, rising between 1873 and 1877, from 1877 began a most ^{rapid} decline caused by the fall in coffee production and prices.² The coffee disease which had been damaging the crop for some years had become increasingly injurious and in fact coffee - the staple product of the island hitherto-never recovered its position, being replaced by other products. The Committee included three official members and four non-official members of the Council: the Lieutenant Governor, the Treasurer and the Auditor General and Messrs. Van Langenburg, P. Ramanathan, A. L. de Alwis and Mitchell. The first three ^{non}official members represented the Burgher, Tamil and Sinhalese committees while Mitchell was the European member.

The Committee made a number of recommendations for reducing the expenditure and increasing the revenue.³ Those aimed at reducing the expenditure in the different branches of the administration envisaged a

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1. C.O.54.546.155 Longden to Derby 14/4/83.
 2. The Revenue for the years 1873, 1877 and 1882 was as follows - Rs.12,909,180/-; Rs.17,026,191/2; Rs.12,112,533/- respectively. Exports of Coffee which amounted to cwts. 951,342 in 1873 fell to cwts. 465,970 in 1882.
 3. C.O.54.546.155 Longden to Derby 4/4/83; Sessional Paper XVIII of 1883.

total saving of Rs.397,646/-. Among them one directly touching the Civil Service was the proposal to withdraw the 20% increase of salary granted to certain officers in the service, some time back. The saving involved was estimated at Rs.80,000/- on this alone.¹

Hitherto the question of extending employment of natives had been discussed in a relatively incoherent manner as individual cases arose for decision. Now the Retrenchment Committee approached it as a comprehensive method of reducing the cost of the administrative services to be considered as a whole. Torn out from the restricted channels of official despatches within which for the most part it had been discussed, the question also received greater light of publicity, being now the subject of inquiry by a Committee of the Legislative Council, of which three of the members were Ceylonese, and five were non-officials.

The Report of the Committee broached the question with a clear statement: "if Ceylon is to be administered on a more economical basis it can only be by the extended employment of natives".² It here made the point that admission into the service on the basis of competitive examinations had "proved fatal" to the entrance of natives into it and pointed out that not native had been admitted through competition since 1875. Echoing what had been said during the discussion of the system of competitive examination in 1869, they attributed this to the organized system of preparation for

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1. This proposal which aimed at withdrawing the increase granted in 1878 to the first three classes of the service, met with strong opposition from the officers concerned and was accordingly not sanctioned by the Secretary of State, as being impolitic.
 2. Sessional Paper XXXVIII of 1883 - Report of the Retrenchment Committee, p.9.

the examinations prevalent in England and to "the disadvantages under which a Ceylon youth lies in competition held in a distant country and in an acquired language".¹ If natives were to be widely employed it was therefore necessary to withdraw posts from the sphere of the Civil Service and they suggested that six of the rural magistracies then included in the Civil Service be removed from it and thrown open to natives. Three of them were to be on salaries of Rs.3000/- p.a. and three on Rs.4000/- p.a. Besides effecting a useful economy, they pointed out that the transfer of these six posts was desirable on other grounds too. The lowest classes of the Civil Service (i.e. the fourth and fifth classes) consisted of too many posts in comparison with the higher classes, thus making promotions from the lower to the higher classes too slow. The withdrawal would tend to restore a proper equilibrium.

This need for more extended employment of natives in any scheme of retrenchment had been advocated individually too by certain official members of the Committee. Thus Saunders, the Government Agent of the Western Province, in a memorandum on the subject suggested the establishment of an "uncovenanted or subordinate service" consisting of natives.² Many of them he admitted possessed character and ability, but owing to educational disadvantages were unable to pass the competitive examinations. Accordingly they joined the Medical, Survey or some other department or were "doomed to remain office drudges on a miserable pittance ... for life".³

1. Sessional Paper XXXVIII of 1883 - Report of the Retrenchment Committee, p.9.

2. Ibid. p.19. Memorandum of Saunders. Undoubtedly Saunders was influenced by the existence of the uncovenanted service in India.

3. Ibid.

He considered the six posts which were to be thrown open to them as wholly inadequate.

Similarly, Dickson the Government Agent of the Central Province proposed the creation of an entirely new class of native office Assistants to be attached to the District Kachcheries. It would meet, he urged, a long felt want and provide "suitable appointments of fair pay and good position for the well-born and most deserving natives of the country".¹ He suggested that there should be twelve such posts carrying salaries ranging from Rs.3,000/- to Rs.3,600/- a year. They would be open to clerks, Presidents of Gamsabawas and "other educated and intelligent natives of good social position".² This would strengthen the district administration and place greater trust and confidence in the natives while effecting retrenchment.³

While official opinion was ready to go thus far, Ceylonese unofficial opinion had a more extreme advocate in Ramanathan, the Tamil member of the Committee. His views being irreconcilable with those of the rest of the committee he submitted a minute of dissent embodying his own proposals. He complained that the Committee, while acknowledging in its Report that Ceylon could be administered economically only by the extended employment of natives had in fact not put forward any scheme worthy of economy.⁴ The Committee had refrained from doing so as the question was too large to be dealt with by them. He was dissatisfied that the Committee had merely

1. He proposed ^{the} abolition of the Agencies of the seven provinces and dividing the island into three commissionerships. (C.O.54.547.234 Longden to Derby 16/5/83: encl. Dickson's Memorandum of 6/11/82; Sessional Paper XVII of 1883 - Derby to Gordon 1/11/83).

2. C.O.54.547.234 Longden to Derby 16/5/83: Encl. Dickson's Memorandum of 6/11/82.

3. Ibid.

4. C.O.54.546.158 Longden to Derby 14/4/83: Ramanathan's Dissent.

recommended withdrawing six of the lowest posts from the Civil Service and opening them to natives. Even those six, he pointed out were to be withdrawn in order to render less slow promotions for Civil Servants.

As for himself, Ramanathan asserted he would choose to take his stand on "the higher grounds of economy and justice".¹ The time had arrived for employing natives on a wider scale in the administration. By natives he meant the Sinhalese, Tamils and Burghers. To him the only question was whether young men were available to do the work efficiently. He thought they were. He next proceeded to examine the factors creating such a class of men. In the past forces had been at work which barred the moral and intellectual growth of the inhabitants, but since 1850 Ceylon had grown in prosperity and enlightenment.² Before that the ambition of young men was to join the clerical service as they did not possess qualifications for other forms of employment. They were content to enter it on a monthly salary of Rs.20/- or Rs.30/- and to work their way up slowly but not surely to the few prizes carrying no more than Rs.200/- a month. This phlegmatic contentment, however, "is no longer the characteristic of our English speaking youths, for during the last five and twenty years Ceylon had been undergoing vast changes. Old lines of social demarcation have been effaced, ancient modes of thought and action abandoned, new standards created, so that our own dormant energies have been ... drawn forth and pressed into practical and ambitious channels of life. It is no wonder therefore that there should be settled all over the island a large number of well educated

1. C.O.54.546.158 Longden to Derby 14/4/83: Ramanathan's Dissent.

2. Ibid.

youths, despising the dry drudgery of the desk and yearning for careers of greater usefulness and dignity".¹ Ramanathan claimed that the Ceylonese continued to maintain the "leading position at the Bar and in medicine and those of them who are in the Civil Service are admittedly superior to many of their European bretheren".²

However those who had attained to such careers were the most fortunate and intelligent among the Ceylonese, a group who could safely be left to their own resources. He was concerned with the larger class of Ceylonese below those referred to above, who were equally eager for "the prized of life" but whose attainments were neither so high as those of the former, nor so prosaic as of those entering the Clerical Service.³ Under the existing system, he complained, such men belonging to this intermediate class, have also to enter Government service by joining the lowest rung of the clerical service. This natives of good family and character were not ready to do. Therefore it became necessary to urge their claims. As the introduction of the system of competitive examinations too had proved fatal to the admission of natives he proposed the creation of a new branch in the public service to occupy an intermediate position between the civil and clerical services.

Elaborating the details of his scheme he called for the withdrawal of posts from both the clerical and civil service and their consolidation into a subordinate service.⁴ In the clerical service there were about twenty

1. C.O.54.546.158 Longden to Derby 14/4/83: Ramanathan's Dissent.

2. Ibid.

3. Ibid. Since the introduction of the competitive system into the Civil service in 1870, only P. Arunachalam, Ramanathan's brother had entered the Civil Service.

4. Ibid.

five appointments which carried salaries of over Rs.1,800/- a year. It normally took about twenty years or more before a man was able to rise to these higher posts from the lower ones carrying salaries of Rs.600/- a year. These twenty five appointments and a few others of a similar grade should be withdrawn from the Clerical Service, making a total of forty nine. From the Civil Service all the appointments in the fifth class and eight of the appointments in the fourth class, making a total of twenty one should likewise be withdrawn. Together, these sixty one posts would form the new Subordinate Service and would carry salaries commencing at Rs.1,500/- a year and rising to Rs.3,996/- a year. In making these proposals Ramanathan appears to have been guided by the developments taking place in India. He himself admitted that he was influenced by the liberal policy of the Indian Government initiated by the Act of 1861 which threw open all offices except certain grades in the public service to Indian subjects and that he had in mind the uncovenanted Civil Service existing there.

The idea of an uncovenanted service had in fact been in the air for some time past in Ceylon too. It had been discussed in the press as the answer to the exclusion of natives from the Civil Service, resulting from the competitive system. The demand that lower magistracies be thrown open to the native lawyers was in practice a demand for such a system.¹

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1. A correspondent of the Overland Examiner of 19/7/75 wrote that the advantages the natives received under British rule were not "commensurate for the several disadvantages we suffer in the bargain". They were denied "a fair share in the administration of the country" necessary to initiate them into self-Government. They did not grudge provision being made for "certain of the younger sons of needy gentlemen at home". But as the total exclusion of natives would be the "height of tyranny" he urged the establishment of an uncovenanted service as in India. Also 8/7/75 and 17/6/79.

Very much more far-reaching as these proposals of Ramanathan were than those put forward by the rest of the Committee, it should nevertheless be emphasised that his purpose was not really to secure the extended recruitment of Ceylonese into the Civil Service proper as already constituted. That could only have been done by introducing an easier examination for them in place of the single competitive examination introduced in 1870. On the contrary Ramanathan himself was quite content to leave those Ceylonese who could afford a University education in England and compete with English candidates, to fend for themselves as best as they could. Again, although twenty one posts were to be withdrawn from the Civil Service proper and thrown open to natives, under his scheme, the same salaries were not to be paid as before. Natives were to be substituted for British Civil Servants in these posts, but on lower salaries. In this sense it was a modest proposal which would have left practically untouched the prospects of European Officers in the Civil Service proper.

However, Ramanathan held that the establishment of the subordinate service would benefit both the colony and its well educated youths. Such young men would be "gratified by the feeling that a career of usefulness and dignity" lay open to them, while such more adequate prospects would prevent the educated man becoming a potential source of social instability.¹ At present, wrote Ramanathan, he is restive and discontented and if he is not lucky enough to obtain a footing at the Bar or ⁱⁿ medicine, his enforced idleness has a tendency to become a dangerous element in society.

1. C.O.54.546.158 Longden to Derby 14/4/83: Ramanathan's Dissent.

The Retrenchment Committee had thus provided a valuable forum for a thorough discussion of the question of employing natives in the higher public offices from various points of view. Expressing his own views on the subject, in submitting the report to the Secretary of State, Longden wrote: "The exclusion of natives from the Civil Service proper has been ~~unintentionally~~ but thoroughly effected by throwing open the cadetships to competition by public examination in England. How is it possible for a native of one of the ancient races of Ceylon, speaking English with the same difficulty that an ordinary Englishman experiences in speaking an oriental language, to compete successfully with Englishmen brought up from their childhood in the familiar use of English and thoroughly grounded from their youth in the studies which are subjects of examination. We might as well expect the average young Englishman to take the first place in a competitive examination with Chinese for a place in the Chinese Civil Service Examination. It is not that the natives of Ceylon are incapable of attaining a high proficiency. There is ample proof to the contrary but there is a wide difference between high proficiency and that particular kind of proficiency required to pass a keen competitive examination and recent experience has shown that in these examinations the natives ... are at a disadvantage".¹ Evidently this was not a contingency which had entirely escaped the notice of the Secretary of State himself. Even as late as 1880 the latter had expressed forebodings that arrangements regarding the admission of cadets into the Civil Service ~~proper~~ might lead to the

1. C.O.54.546.158 Longden to Derby 14/4/83.

practical exclusion of able and deserving natives from all except the lowest grades of the public service. In fact he had gone further and anticipated the recommendations of the Retrenchment Committee by calling for some action to remedy the evil.¹ Thus the Retrenchment Committee, the Governor and the Secretary of State were all agreed that "able and deserving natives", men with "high proficiency" had been shut out from the Civil Service creating a problem which needed solution. They were also agreed, with the exception of Ramanathan, on a solution. The recommendation of the Committee, that six of the posts in the Civil Service be withdrawn from it and thrown open to Ceylonese, was all that Longden would agree to and this was sanctioned by Derby.² That solution, however, could not be considered as more than a temporary palliative of the growing evil of Ceylonese exclusion from all but a handful of higher administrative positions.

1. See Chapter on Admission of natives into the Civil Service.

2. Sessional Paper XVII of 1883, p.163, Derby to Longden 1/11/83.

CHAPTER FOUR

HEADMEN

The class of native officers generally referred to as Headmen constituted a very important element in the public service of Ceylon.. Since the Headmen especially in the higher grades had to possess a knowledge of English to perform their functions, they also deserve consideration in this study. In the revenue, judicial and general administration of the country the services of the Headmen were used in numerous important capacities. The higher posts in the administration were manned by Civil Servants and other Officers of British origin. For the administration, of the country, there had to be appointed a hierarchy of subordinate Officers, to assist in the performance of the duties of the superior Officers and carry out day to day official duties. One group of Officers who supplied this requirement were the Headmen.

However, the Headmen did not occupy all the posts in these subordinate capacities. The British from the very beginning of their administration of the island had appointed a class of Clerks and other similar subordinate Officers from among the natives. Education, ability and experience were the general conditions which governed recruitment and advancement in these categories. It was otherwise with the Headmen, who did not owe their appointments essentially to education and ability. For recruitment to the higher ranks of native Headmen "a very high standard has always been

required as to qualifications ... in respect of character, family connection, landed property and the like" and they were "greatly coveted by the Native gentry who willingly begin their service in minor posts of this branch with a view to rising in time to a superior Headmanship".¹ Governor Longden laid bare the essential basis of recruitment and promotion in the following remarks regarding the higher grades of Headmen. "It is at once obvious that appointments in this branch of the service cannot be opened to competition but must continue to be made by the Governor upon other consideration than those upon which places are given to the successful competitors at public examinations. It is absolutely essential in a Kandyan province that the Headman of a district should be a pure Sinhalese of good family. A Burgher or a Jaffna Tamil with all the useful knowledge taught in the Colombo Academy or the Jaffna College would be utterly unable to fulfil his duties. So again in a Tamil district a Sinhalese would be at a loss. Besides this limitation of nationality there is the further limitation of good birth and independent means".² While independent means generally implied possession of landed property, good birth implied good caste, and to this extent the Headmen system was connected with caste considerations too.

Thus the Headmen system presents an interesting phenomenon in the existence of a large class of native officials, selected essentially on the basis of birth and property, serving side by side with other native public servants, in the selection of whom the essential basis was education

1. C.O.54.528.152 Longden to Kimberley 20/9/80.

2. Ibid.

and ability.¹ This gave it its distinctive character.

The Headmen system though subjected to very drastic changes by British was a survival from the "feudal" past of Ceylon. The British inherited the Headmen system from the Dutch, on their conquest of the maritime provinces in 1796. The Dutch, and the Portuguese before them also had relied on the Headmen for administering the country. Dr. Colvin R. de Silva points out that European Governments in Ceylon prior to British had "governed the country through the indigenous organs of administration which they had preserved subject to supervision by European Officers at the centre".² Under this system inherited by the British a vast hierarchy of native officials with Mudaliyars of the Korales or districts at the top and a large number of subordinate Headmen below them carried on the duties of collecting taxes, exacting traditional services due from the people to the Government and helping in the judicial and general administration of the country. The powers of the Mudaliyars were so extensive that they formed an imperium in imperio.

Under British rule however the position of the Mudaliyars began to

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1. C.O.54.528.152 Longden to Kimberley 20/9/80. Gregory points out that some like Layard the Agent of the Western Province believed that Kandyan Chiefs acted tyrannically and that it was unjust to the lowly born Kandyan to concede powers to them. But an attempt of Layard to appoint Clerks from Colombo as native Headmen in some Kandyan districts had turned out to be a failure. "The proud Kandyans despised them and evaded and unwillingly obeyed their orders" says Gregory. He for his part held that men selected from traditional families were more successful than those who had "risen from the ranks" even though otherwise competent. Gregory not only preferred men of good family but persuaded Kandyan Chiefs to send their children to English schools to ensure their selection. (Gregory, Autobiography, p.287; See also Ryan B., Caste in Ceylon, pp.77-82).
 2. De Silva, C.R., Ceylon Under British Occupation I - p.204 ff.

change.¹ While the British did not completely do away with these native Officers, who on the whole were men of high family and vast landed property, they did curtail their powers in order to ensure the stability of British rule, particularly after the rebellion of 1797 in which the Mudaliyars played a leading role.² One of the important measures adopted by the British for this purpose was to pay them salaries after taking away the service lands or Nindagamas granted to the Mudaliyars for the services rendered to the state. The judicial work they performed was also taken away and they were brought increasingly under the supervision and control of British Officers. When the Kandyan provinces were conquered in 1815, the administration of those provinces was also to a great^{er} extent even than in the maritime provinces^{Placed} in the hands of native chiefs and Headmen. They possessed vast civil, military and judicial powers, which the British at the beginning were obliged to leave largely in their hands. After the rebellion of 1817-1818, however, in which the chiefs played a prominent part, the policy of withdrawing and curtailing these powers was carried on more effectively.³ Though the Nindagamas of the Kandyan Chiefs were not taken away, their judicial duties were transferred to British judicial Officers. Kandyan Headmen, who, like their low-country counterparts were men of high family and landed property, were also allowed, however, to perform a variety of civil and general administrative functions.

One of the most important functions in which the services of the Headmen had to be employed for a much longer time was the exaction of Rajakariya

1. Mills, Ceylon Under British Rule, pp.121-123.

2. Ibid. p.p.16-26.

3. Ibid. p.123.

the compulsory services which all the inhabitants had to render to the state for a certain number of days during the year.¹ These services depended on custom and generally varied according to the castes to which the people belonged. The functions of the Headmen in exacting these services, gave them much power over the people, and therefore in the state, and incidentally gave stability to the caste system too. Therefore the abolition of these services in 1833, on the recommendation of a Commission headed by Colebrooke, dealt a further severe blow to the power and traditional position of the Headmen.

The above discussion shows how the British curtailed the powers of the Headmen and transformed them into a component part of the public service under their control. The links with the "feudal" past, however, do not appear to have completely snapped. Thus although the practice of granting land to Headmen for the services they rendered to the state was no longer in existence, even during the period of our study, ownership of landed property, continued to be a "qualification" in the selection of Headmen. In place of the practice of conferring land on the holder of the office, the office seems to have been conferred on the person who held land. Similarly although the old social set up which gave them vitality in the past did not exist in the same form, birth and caste lingered on as factors which were taken into consideration in the selection of Headmen for a long time to come. They represented the historical links of the Headmen system with the past,

For civil and revenue administration the country was divided into

1. Mills, Ceylon Under British Rule, pp.73-74.

provinces. The revenue and general administration of each province was presided over by a Civil Servant, designated a Government Agent. Each province in turn was divided into a number of districts also under the charge of Civil Servants designated Assistant Government Agents. While each province had an office known as a provincial Kachcheri, presided over by the Government Agent, and each district a district Kachcheri headed by an Assistant Government Agent, the only English Officers in these provincial and district Kachcheries were generally the Agents and Assistant Agents, respectively. To carry on day to day duties, the Kachcheries had a small staff of subordinate native officials, one of whom was the Interpreter Kachcheri Mudaliyar, who was one of the most important officials. The Kachcheri Mudaliyars were particularly important as liaison Officers between the English Civil Servants and the natives in administrative matters, as many of the Civil Servants did not know the languages of the country. The Kachcheri Mudaliyar therefore was generally educated in English and had a personal acquaintance with much of the work of the Officers.

Apart from the Kachcheri Mudaliyar, who was attached to the Kachcheri itself, there were a large number of Headmen of different grades distributed throughout the island. Each district had a number of Chief Headmen to each of whom was assigned a section of the district. Thus, unlike the Kachcheri Mudaliyar who was attached to an office, the Chief Headmen were each in charge of a territorial unit. Within this territorial unit he performed many varied duties.² This Chief Headman was the Officer, more or

1. Mills, Ceylon Under British Rule, p.96.

2. E.O.54.531 Longden to Kimberley, Confid. 8/2/81.

less next in importance after the Assistant Agents, in respect of the functions within the territorial unit assigned to him. In the maritime provinces these Chief Headmen were known by the designation of District Mudaliyar while in the Kandyan areas they were known as Ratamahatmayas. These officials formed the highest grade of Headmen in their divisions. Next in order came the Muhandirams, Korales and Udaiyars in the maritime, Kandyan and Tamil areas respectively.¹ These Headmen were generally in charge of sub-divisions of the territorial divisions entrusted to the Chief Headmen. Finally at the very bottom of this hierarchy came a large host of Headmen, generally referred to as Minor Headmen, who could be counted in thousands, performing numerous functions within their villages.²

The Headmen were directly and closely connected with the revenue administration of the country. One of the most important sources of revenue was the tax on grain, both home grown and imported. The tax on home grown grain consisted mainly of the tithe on paddy which had to be collected from numerous cultivators throughout the country.³ The functions connected with

1. Report of the Headmen's Commission 1922.

2. C.O.54.531 Longden to Kimberley. Confid. 8/2/81. At the top of the hierarchy was the Maha Mudaliyar and the Gate Mudaliyars.

3. The Headmen of different grades had to perform a variety of functions in connection with the rent sales of the collection of revenues which was one of the commonest modes of collection. As the paddy comes into ear, one or more Assessors was appointed by the Government Agent of each Province to assess the probable crop on which the tax had to be levied. The assessors who were usually villagers from another district were associated with a Headman. Each field was personally inspected by the assessors and the Headman and assessment recorded on a schedule, known as a Wattoruwa, which was countersigned by one of the senior Headmen, who had to certify its correctness. After the assessment was made the collection was rented out. From the assessment till the collection of the tax the Headmen had several other functions to perform. (Report of the Grain Tax Commission).

the collection of this tax alone would have necessitated the appointment of a large host of other functionaries but for the fact that the Government continued to employ the numerous Headmen whom they found available at hand. Moreover the tax was one in the collection of which much local knowledge was needed, owing to the fact that it was bound up with custom and regional variations.¹ The intricacies and complexities in the assessment and collection of the tax also made such local knowledge essential.

Another branch of the revenue administration in which the Headmen's services were employed was the sale and disposal of crown lands.² Reporting encroachments and protecting the crown property as well as the adjudication of claims made by encroachers were matters where the Headmen had to be depended on.³

The sales of Toll rents and Arrack rents were also activities in which the services of the Headmen were employed.

The sale of timber from the crown forests to traders brought in a substantial revenue to the Government. It was on the reports and recommendations of the Chief Headmen that the Government had to depend in granting licenses to fell timber in order to prevent the Government property from being robbed.⁴

1. Of the total ordinary revenue, the tax on imported and home grown grain formed one third. In 1876 the tax on home grown grain was £107,000 out of a total grain tax of £290,000. In the maritime province the rate of tax due from the cultivator varied, being $\frac{1}{2}$, $\frac{1}{3}$ or $\frac{1}{10}$ of the produce. In the Kandyan Provinces it was generally $\frac{1}{10}$. The collection was generally made under the renting system for some time. The Government had been trying to induce the people to commute the tax for a constant money payment. To a limited extent the "Aumany" system, i.e. direct collection by the Government was also in force.
2. C.O.54.487.248 Gregory to Kimberley 5/8/73.
3. Ibid.
4. C.O.54.468.276 Robinson to Kimberley 11/11/71; C.O.54.480.265 Gregory to Kimberley 7/12/72; C.O.54.468.279 Robinson to Kimberley 13/12/71.

The foregoing survey of the more important revenue functions performed by the Headmen reveals how necessary they were to the British revenue officials in regard to this branch of the administration. The services of Headmen were necessary in conducting the judicial administration of the island too. Interpreters or Interpreter Mudaliyars who formed characteristic feature of the Courts of law under British rule might also be discussed along with the Headmen.¹ Interpreters formed a link in the Headmen system. The need for this category of Officers arose from the gulf which existed between the English Civil Servants and professional men who generally occupied the posts of Judges and the people of the country as regards language.² As the functions performed by them required a knowledge of English, they formed a section of the English educated officials in the country. They did not merely perform the function of interpreting but were also associated with the working of the Courts, in the country districts in particular, since the English Judicial Officers, especially the inexperienced among them appear to have been obliged to rely largely on the interpreters in conducting the affairs of the Courts.³ In fact matters came to such a pass

1. Interpreters were employed both in the Kachcheries and in the Courts. The Chief Headmen of the district sometimes began their service as Interpreters in Kachcheries or Courts of Law or served in that capacity during some part of their public life before elevation to the position of District Headmen. The training they gained in these offices was useful in discharging their duties in the districts. However this process cannot be considered as having been always conformed to. (C.O.54.453.46 Robinson to Granville 7/2/70, Enclosure 4; C.O.54.456 Robinson to Granville 19/7/70, Enclosure 8; C.O.54.466.211 Robinson to Kimberley 21/8/71 Enclosures 1 and 9; C.O.54.489.346 Gregory to Kimberley 23/11/73 Enclosure 5).
2. Governor Robinson, Debates in the Legislative Council, 1871, 4/10/71, p.5
3. The Police Courts and the Courts of Requests respectively were minor criminal and civil Courts. The District Courts which came next had a higher criminal and civil jurisdiction. Finally there was the Supreme Court having an appellate civil and criminal jurisdiction, as also an original criminal jurisdiction.

that the Government had to make it a policy not to send young Civil Servants as Police Magistrates. In making a criticism of the state of affairs existing in the Magistrates' Courts, the Inspector General of Police quotes the following extract from a newspaper, which reveals the influence the Interpreters wielded: "Our new Magistrate (Mr.) is getting on very well. There is no doubt that in time he will be an acquisition to the service. Though well-intended and clever it cannot be expected that he would understand the practice of the Court. He ought therefore to depend upon persons of different degrees of experience, education and principle as well as honesty to direct him till he becomes acquainted with the routine ... Against the Chief Clerk of the Courts ... we have nothing to say ... fully conversant as he is with the Judicial line we believe he is the right man to teach a new and inexperienced Magistrate ... What we protest against is the Judge taking the opinion of the Interpreter of the Court.

Some time ago a letter appeared in your contemporary the Examiner, complaining of this Interpreter resorting to all sorts of tricks to get his clients out of scrapes. I have now to repeat the same complaint. I appeal to Mr. whether out of one hundred cases which were fixed for trial at the last sitting of the Court if eighty were dismissed owing to absence of the complainants? How is this? If the Magistrate will make inquiries he will come at the truth.

The Members of the Bar who have to attend the Courts ... derive little or no advantage; and if this rotten state of things is allowed to continue ... not one of them will visit the place and then the Interpreter being

unchecked will have his full swing and injustice will reign rampant".¹ The Inspector General commenting on this extract says it is "a fair specimen of what persons of the class of our minor lawyers and office clerks think of our courts". Interpreters therefore were no mere translators but wielded a certain measure of influence.

In criminal cases the Headmen were entrusted with many police duties particularly in the rural areas, where there was no regular police force of any consequence. These functions made him an important figure in the Courts. Apart from the Headmen being very material witnesses in the criminal cases by virtue of their official position, they also assisted in prosecutions in the Courts in suburban and rural districts, in offences committed under certain ordinances.²

In the Civil branch of the judicial administration the Headmen were mainly important in cases of land litigation.³ The District Judge of Badulla states: "In cases of money payment, the signing of deeds and such like transactions usually performed in the presence of witnesses, it is always a desirable thing on the part of the parties, to have one of the witnesses as a Headman; and in land cases, where possession is disputed upon the question as to who was held responsible for the tax ... the attendance in court of the second rate chiefs, who are the immediate collectors of that part of the revenue is of the greatest importance. These men have so many and such various duties to perform ... that they are frequently unavoidably absent from court when their evidence is wanted".⁴ The Judge

1. Administration Reports 1869, pp. 227-228. C.O. 54.494.55 Gregory to Carnarvon 7/1/75.

2. C.O. 54.497.238 Gregory to Carnarvon 31/8/75; Administrative Reports 1869, p. 221.

3. Ibid. p. 190.

4. Ibid.

points out that their evidence is so material to these cases that their absence leads to postponement. A rather strange kind of duty appears to have been performed by the Headmen in a more direct way in relation to the proceedings of the Courts, as shown from the following passage. "Again Headmen are constantly in requisition to prove boundaries, wherever an encroachment is the subject of complaint. Very few plans exist in the country of what is termed 'paraveni' property ... As things stand at present, there being no surveyors in the District available, a plan is usually made after an exceedingly primitive fashion by a committee of three Headmen ... These men are supposed to make a sketch of the land in dispute upon the spot ... and little as they are depended upon, without them the trial of a case would be extremely tedious and unsatisfactory".¹

We have seen above some of the ways in which the services of the Headmen were utilized in the administration of Justice in the country.² The setting up of village Councils and village Tribunals added further to the importance of the Headmen. The first of these institutions formed were established in 1856. The powers of the Village Councils referred to above were enlarged in 1867 and the ordinance of 1856 which had been enacted so as to have effect only for a period of years, was in 1867 made permanent.³

In terms of this ordinance inhabitants of a village within which it

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1. Administrative Reports, 1869. p.199.
 2. The services of Headmen in the higher grades appear to have been employed by the Courts for arbitration in land cases, as is evident from the conduct of one Judicial Officer, who used this agency to such a large extent that it became one of the matters of complaint against him leading to his reduction in office. (C.O.54.496 Gregory to Kimberley 21/1/73).
 3. C.O.54.529.152 Longden to Kimberley 20/9/80.

came into force, were to agree upon a set of rules to regulate matters concerning irrigation and the cultivation of paddy. The rules when sanctioned by the Government were to acquire the force of law while breaches of these rules were to be tried and punished by the Village Councils. When such breaches occurred a Village Council composed of not more than thirteen villagers was to be summoned for the occasion to settle the disputes. The proceedings of these bodies were to be of a summary form and free from the usual formalities followed in the ordinary Courts of Law. Professional lawyers were excluded from them while an appeal was allowed to the Government Agent and Governor but not to the ordinary higher courts. In these Village Councils, naturally the Headmen could bring to bear their influence in the adjudication of disputes regarding irrigation matters among their fellow villagers.¹

The second type of institution to which reference was made above, became new sources of influence and power for the Headmen in a more direct way. While the Village Councils set up under the ordinance of 1856 were to try breaches of rules made pertaining to irrigation matters, the Village Tribunals created by the ordinance 26 of 1871 were to try breaches of rules, pertaining to various other aspects of village life as well. The establishment of Village Tribunals was considered by the Government also as a means of relieving the Courts which were overburdened with work particularly owing to the "increase of petty criminal charges which have

1. C.O.54.480.276 Gregory to Kimberley 11/12/72; C.O.54.529.152 Longden to Kimberley 20/9/80.

of late years been instituted in the Minor Courts".¹ The Village Tribunals enhanced the influence and position of the Headmen as the Presidents of these Tribunals were being selected from the higher grades of Headmen. The President, assisted by a certain number of Councillors, was to try the cases brought before the Village Tribunal.² They were to have a criminal jurisdiction over petty assaults and thefts not punishable by a fine higher than Rs.20/- or two weeks hard labour. They could also try cases of malicious injury to property or disputes pertaining to boundaries of lands where the damage involved was not over Rs.20/- and in cases of cattle trespass where the loss incurred did not exceed Rs.20/- in value. With the consent of the parties to the dispute, however, they could try cases where the value of the property involved did not exceed Rs.100/-. Thus the establishment of the Village Tribunals in fact transformed the Presidents, who were to be appointed by the Government, from superior Headmen into petty native Magistrates.³ The Headmen, who had already been associated with the judicial administration of the country in an indirect way, found a new avenue of employment in the public service in a judicial capacity in a more direct way. The manner in which the operation of these Tribunals affected the position of the Headmen as well as the Government's policy in regard to them will be discussed elsewhere.

Another branch of the judicial administration where the Headmen were partly employed was the Fiscal's Department. The Fiscals were the Officers who had to execute the decisions and orders of the Courts. The Government

1. C.O.54.474.38 Irving to Kimberley 4/2/72.

2. Robinson, Debates of the Legislative Council, 1871, p.5.

3. C.O.54.474.38 Irving to Kimberley 4/2/72.

Agents were generally entrusted with the duties of Fiscals. But here again the Government Agents in the course of functioning as Fiscals, had to a very large extent to rely on the agency of Headmen. "The important process (such as writs of Execution and Warrants of Attachment) which had to be executed in the villages are directed to local Headmen, who are the Officers of the Agents, and subject to their authority,"¹ says the Queen's Advocate² in a report regarding the working of the Fiscals Department. He further points out that where "the agency of the local Headmen is employed the Fiscal issues his process to the Moedeliars (sic) or Ratemahatmayas, and that Headman causes it to be served through his inferior Officers".³

In bringing about certain reforms in the working of the Fiscal's establishment in 1867, it was proposed to create a new Officer called a Marshal to perform those Fiscal duties which had hitherto been entrusted to the Headmen by the Government Agents. But although the office was a new one by name, the functions attached to it were once again to be entrusted to the Headmen themselves. As it turned out, in the actual working out of the proposal regarding Marshals, the Government Agents were to "enter into arrangements with such principal Headmen offering themselves to contract as it were, for the service of processes in each Korale or Division".⁴

In addition to these there were many other posts like those of Registrars of Births, Deaths and Marriages, Deputy Coroners and the like which were often occupied by the higher grades of Headmen.⁵ From this it would

1. C.O.54.424.31 Robinson to Carnarvon 8/2/67.

2. The Queen's Advocate was the Officer entrusted with the functions of Public Prosecutor.

3. C.O.54.424.31 Robinson to Carnarvon 8/2/67.

4. Ibid.

5. Administrative Report, 1867, pp.29-30; C.O.54.453 Robinson to Granville 7/2/70; C.O.54.475.26 Gregory to Kimberley 1/4/72; C.O.54.466.211 Robinson to Kimberley 21/8/71.

appear that they formed a very important group of public servants during this period, concentrating in their hands a large number of functions which in consequence conferred on them much power, influence and social prestige.

The actual practical working of the Headmen system as applied to a particular district, is revealed in a lucid manner in a Report on his district, by the Assistant Government Agent of Badulla. Over each division was placed a Ratamahatmaya "usually a chief of a high family, a large landed proprietor and of local influence. Under him in each Korale is a Korala ... and under the Koralas are the Arachchies or Village Headmen.

The duties of a Ratamahatmaya are numerous and important comprising the supervision of the revenue collection, the recovery of all arrears of paddy tithe and road tax from defaulters by Warrants of Distress ... the conservation of Crown forest and lands, the execution of all processes of sequestration and writs of execution, the conduct of almost all fiscals' sales, the control and direction of the subordinate Headmen for whose efficiency he is held responsible and a multiplicity of revenue work which it is impossible to specify. In addition to this the Ratamahatmayas are invariably Deputy Coroners for their respective divisions ...".¹ The Assistant Agent then refers to the Koralas who are twenty eight in number in his district and who are next in rank to the Ratamahatmayas, while after the Koralas come some one hundred and eighty petty headmen ... who exercise the power of Police headmen ... Their duties are to assist the Koralas and Division Officers in making their collections, to gather

1. Administrative Reports, 1867. pp.29-30.

subjects for vaccinators, to report Births and Deaths, to point out boundaries of crown lands, to inspect trees applied for in licenses, to see that only the proper number is felled, to assess all damages in trespass cases and perform all the harassing duties of Peace Officers."¹ After enumerating vividly these functions performed by the Headmen, he observed that "it is ... marvellous how well these men behave and how useful they prove themselves ..." to the Government. In fact, the Headman may be described as being a number of officials and functionaries rolled into one; a composite officer, who thereby concentrated in his hands no small official authority, in proportion to his position in the administrative hierarchy.

It was essentially through the Civil Servants that the British ruled Ceylon. For this purpose, the Civil Servants appear to have relied on different grades of native Officers, of whom, during this time the Headmen constituted a most important section.

An extreme illustration of the influence which the Headmen could wield is provided by the state of affairs leading to the reduction of one Civil Servant from the position he occupied to a lower status. Governor Robinson observed that the Adigar² of Mannar had come to concentrate in his hands so much influence that the Assistant Government Agent of Mannar virtually became a "puppet" in the hands of the former. Matters had come to such a pass, that the Government Agent of the Northern Province, who was the immediate superior of the Assistant Agent, wrote that he found it "utterly impossible to carry on the administration of the Mannar District ... owing

1. Administrative Reports, 1867. pp.29-30.

2. Chief Headmen in the Mannar District bore the designation of Adigar.

to the determined opposition of a faction headed by the Adigar of Mannar and two or three notorious characters of the place, who had obtained complete influence over the Assistant Government Agent, Mr. Atherton, have set at defiance all law and order, are carrying on a system of injustice and oppression" which will be productive of "serious consequences".¹ The Adigar, according to the Government Agent "had taken advantage of his position and the influence he had obtained over a weak minded Assistant Agent, ignorant of the District ... to carry out arrangements regarding the Arrack and Toddy rents to suit his own views and those of his friends ...".² It is true that instances like the above, where the native Headman had made use of his position, to bring about what appears like a reversal of roles, as between the Headman and his British superior, were not of common occurrence. None the less, it throws some light on position of the Headmen in the administration of the country.

It was only the Headmen in the higher grades who received regular salaries. The minor Headmen as shown above were not salaried officials. The Headmen who were in receipt of salaries formed a fair proportion of the total number of public servants in the higher grades. The salaries drawn by these latter, ranged from a few hundred rupees in some instances to two thousand a year in others.³ The minor Headmen who were not in receipt of salaries received certain fees for performing various specific

1. C.O.54.454.67 Robinson to Granville 5/3/70.

2. Ibid.

3. See Appendix A and B.

functions.¹ In addition they were exempted from the grain tax on all lands owned by them, which was an indirect form of payment for their services. The Headmen who performed duties connected with the collection of the grain tax were also given a commission of 5% on the collections. The exemption from the grain tax accounts for the fact that for a long time to come the minor Headmen were not paid salaries, although various officials and the Government sometimes directly or indirectly drew attention to the question of paying salaries to these Officers.² It would appear that the exemption was not only a means of material gain, but also a mark of social distinction which in the words of one British Officer was "highly valued by the people being thoroughly in accord with the feelings and traditions of office".³ The Report of the Special Committee

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1. According to the report of the Headmen Commission of 1922, as late as that year there were only 670 paid Headmen, while over 4,100 were unpaid. According to one witness, privileges like the exemption from the paddy tax, various fees and benefits of office, as well as the dignity of office were factors which induced minor Headmen to continue without salaries. (pp.7; 51-52).
 2. Report of the Headmen Commission, 1922, p.4. As late as 29th October, 1899, Governor Sir Arthur Gordon said that the inherent difficulties of paying salaries to minor Headmen had to be considered besides the large expenditure which it would involve. The existing system of unpaid Headmen had "much to recommend it on political grounds as well as that of cheapness ... the conversion of village Headmen into a class of migratory Government Officers ... will compel the organization of a wholly new system of local Government which ^{will be} neither so cheap, so efficient, nor so easy to control as that now in force and which above all will have no hold on the native mind...". He wished to "preserve ... a system which enlists all natural local influences in support of authority, instead of arraying them against it and which shields the Government to a great degree from direct friction with those it governs" (White, H., Ceylon Manual 1912-1913, p.353).

on the Grain Tax, appointed by the Ceylon National Association which estimates the land belonging to Headmen, exempted from the paddy tax at 400,000 acres points out in commenting on the price of home grown paddy that "a very large portion of the profit consequent on an increase of price, if any, would go to the pocket of the Kandyan Headmen ... the Buddhist temples and Dewales, the two classes that, while being exempt from the Grain Tax, constitute the large portion of the vendors of home grown grain ...".¹ The Headmen of all grades also had available to them other means of income and economic gain often concealed under such terms as "oppression" "extortion" and "corruption". From the point of view of the administration of the country it was natural for such practices as to be considered as administrative and moral vices, to be rooted out. But for the Headmen they were a serviceable if questionable mode of material gain.

The duties connected with the collection of the Grain Tax seem to have opened up to the Headmen vast opportunities for making illegal gains. The Grain Tax was collected through the renting system. The Report of the Grain Tax Commissioners of 1877 which is one whole condemnation of the renting system, contains much evidence of the manner in which the renter in collusion with the Headmen defrauded the revenue and oppressed the cultivator. There was wide scope for collusion between the Headman and the renter. If the intending purchasers would pay a few rupees to the Headman, he would report that the crop was moderately or partially damaged and make the purchase of the rent cheaper for the renter. The oppression to which the cultivator was subjected took place when the renter, once

1. Report of the Special Committee of the Ceylon National Association on the Grain Tax, 1890, p.4.

again in collusion with the Headman, resorted to illegitimate methods to exact from the cultivator more than he was entitled to collect by way of the tax. According to the Paddy and Dry Grain Ordinance No.14 of 1840, a cultivator who cut, threshed or removed the crop without notice to the renter and did not give the due share to the renter was liable to be fined double the value of such share. In default of payment, moreover, the cultivator could be imprisoned with or without hard labour for not more than one year.¹ How this law was used by the renters and the Headmen is made clear by the Acting Queen's Advocate in 1875. That Officer in his Report on the Criminal Statistics for 1874 points out that the number of offences charged in the Courts under the above Ordinance amounted to 3997 and involved 4588 persons and describes the process employed to make exactions from the cultivator as follows: "... gross ignorance and abject dependence not doubt characterize the peasantry of the Island. The renter comparatively a man of wealth and position ... is keenly alive to his interest ... Generally there is a good understanding between the renter and the Headmen of a District (if indeed the renter is not sometimes a mere stalking horse of the headman) and the cultivator of the soil when pitted against two such influential persons will rather submit passively to the exaction of the renter than run the risk of incurring the penalties ...",² prescribed in the law. The Police Magistrate of Mallakam pointed out "that the renters (assisted invariably by the principal headmen, whose interests are almost identical with theirs) turn the courts (by means of Ordinance No.14 of 1840) into a mere vehicle of extortion".³ He added

1. C.O.54.497.23 Gregory to Carnarvon 31/8/75.

2. Ibid.

3. Ibid.

that "hardly any of these cases come on for trial; the cultivator before the case comes^{up} usually agrees to the renter's terms, knowing that in the Police Courts, he will have to pay double the sum fixed by the renter as the tithe due, as the latter being assisted by the Headmen invariably makes out a good case".¹ The Assistant Government Agent of Kalutara pointed to the same relation between the Headmen and the renters when he said that the renter who considered the cultivator as his "legitimate prey" was "hand in glove with the headmen".² There were other ways too in which the Headmen's official capacity became a means to wealth. We have already seen that it was the Headmen who had to appraise the property tendered as security by arrack renters. In performing this duty the Headmen were not slow to collude this time with this class of renters, to the detriment of the revenue and to their own mutual benefit.³ It often happened that renters who had purchased the right to retail arrack failed to keep to the conditions of the sale by making the due payments to the Government. When however the property tendered as security by the renters was put up for sale it fetched ridiculously lower sums than that at which the property had been appraised by the Headmen. The loss to the revenue, which arose from such low appraisement led to an investigation by the Auditor General who pointed out that the appraisal of the properties was entrusted to the Headmen of the Districts who are paid for this function by the renters themselves and "it is confessedly in the unreliability of these appraisements that the evils of the system lies in most cases" and that it was

1. C.O.54.497.23 Gregory to Carnarvon 31/8/75.

2. Report of the Special Commission on Grain Tax, 1877. Appx. plxxxv11.

3. C.O.54.458.251 Robinson to Kimberley 26/10/70.

"most objectionable that the appraiser should have any direct monetary transactions with the party whose property he is valuing".¹ Apart from connections which the Headmen had with the arrack renters in the course of performing their duties, there is evidence to show that they themselves had an interest in the distillation of arrack.²

Illicit felling of timber by the timber traders became a source of great loss to the revenue and once again revealed the association of the Headmen with the traders in their activities. The Government Agent of the Northern Province, writing on the subject pointed out that "the Headmen if they do not actively connive at it, do for a consideration make it convenient to be somewhere else when timber is illicitly felled ...".³

The Headmen were thus able to make use of their functions in a corrupt way to augment their incomes.

The corruption of the Headmen seems to have extended even to a comparatively localized activity like plumbago mining. Governor Gregory in forwarding to the Secretary of State a draft ordinance imposing a customs duty on plumbago in place of the royalty levied at the pits which was attended with "widespread fraud and evasion" says that certain "inquiries into a large and remarkable case of fraud in connection with plumbago have shown that Headmen of every grade even to the Mudaliyar and Chief Headmen in the District are themselves in this enterprize and wink at it even if they do not actually encourage the removal of large quantities of plumbago upon which royalty has not been paid".⁴

1. C.O.54.458.251 Robinson to Kimberley 26/10/70.

2. C.O.54.416.243 Robinson to Carnarvon 29/10/66.

3. Administrative Reports, 1867, pp.97-98.

4. C.O.54.489.388 Gregory to Kimberley 24/12/73.

An interesting instance of a Headman directly engaging himself in commercial activities in a larger way is provided by the case of Nicholas Dias, the Kachcheri Mudaliyar of Galle. It brought to the open the policy of the Government regarding superior Headmen engaging in trade.¹ Open and direct participation by them without any restriction by the Government seems to have continued till the middle of the nineteenth century, when the need for laying down a definite policy came to be felt.² The general policy till then was that no Officer holding a position of trust unless authorised by the Governor should be directly or indirectly engaged in trade as principal partner, agent or factor. However, as late as 1854 the Government Agent of Galle reporting on the above mentioned Headman who had "entered with other partners into exclusive transactions in the cocoanut oil trade and has built works of considerable extent and purchased an estate ..." stated as follows: "How far a Native Officer's entering into commercial speculations is in accordance with the regulations of Government in view of his official position, I am not able to state. It strikes me however, as being inconsistent with the principles applied to persons holding the higher appointments in the Public Service, that such pursuits are objectionable as giving the temptation to use official influence for private ends ...".³ Although as a sequel the Mudaliyar was ordered to give up his trading activities, it was found that even as late as 1866 he was continuing to engage in them. His activities had assumed such proportions that a committee was appointed by the Government to investigate the matter.

1. C.O.54.413.168 Robinson to Cardwell 29/7/66.

2. Ibid.

The Mudaliyar was found guilty of having carried on "a trade in oil and that his transactions were not confined to the manufacture of oil from his own lands, but that he also rented the lands of others and purchased copperah for the purpose of trade".¹ However the committee held that any "Native Gentleman" occupying a post like that of the Mudaliyar should not be precluded from "selling in the freest manner, the actual produce of their lands".²

In the foregoing pages an attempt has been made to discuss the position and the role of Headmen in the administration of the country. It has been seen that in the early years of British rule the policy of the Government was to weaken the powers and influence of the Headmen, particularly of those in the higher grades. This policy however seems to have been modified during the period covered by this study. Three successive Governors, Robinson, Gregory and Longden, adopted measures which indicate that the Government was no longer adopting a hostile attitude towards the Headmen but that on the contrary it was beginning to rely on them, bestowing even new and important powers on them and recognizing the need to maintain and increase their influence and prestige.

This is largely demonstrated in connection with the village institutions set up by the Ordinances of 1856 and 1871, to which reference has

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1. C.O.54.413.168 Robinson to Cardwell 29/7/66. The inquiry revealed that the Mudaliyar owned and maintained a steam driven mill for producing coconut oil from copra. He purchased copra from other small native producers. Several partners joined the Mudaliyar at one time "with a prescribed capital for working the mill as a company". During one period "nearly all the Curchery was connected with his ventures". The mill working day and night is said to have been able to produce 2 leaguers of oil a day.
 2. C.O.54.413.168 Robinson to Cardwell 29/7/66.

already been made. Referring to the Village Councils which had been set up for making, as well as punishing the breaches of, rules "for regulating the use of irrigation water, for distributing it fairly and maintaining in order the reservoirs, channels, aqueducts etc.", Governor Longden wrote in 1880: "Before the conquest of the Island by the British, the powers necessary for regulating irrigation and preserving the works were exercised by the native chiefs in accordance with the ancient customs. Under the British rule the power of the native chiefs gradually waned and their authority was disregarded and before half a century of our rule had expired, urgent necessity was felt for setting up a legal authority in place of that which collapsed".¹ Thus the new Village Councils had been set up by the Ordinance of 1856, the operations of which, as has been seen, were largely dependent on the maintenance of the influence of the Headmen.

With the next Ordinance of 1871 the principle of the Village Councils set up by the Ordinance of 1856, was extended from purely irrigation affairs to many other aspects of village life. While the rules were to be made for constructing, regulating and protecting village paths, bridges, ambalamas (wayside rest houses) and wells, the breaches of these rules were to be tried and punished by Village Tribunals, to be set up under the Ordinance. These Tribunals were however to perform more important functions, namely those of adjudicating petty civil and criminal disputes, which had begun to flood the minor courts, presided over generally by European Judicial Officers. The Government's attention, said Governor Robinson, speaking in the Legislative Council on the subject, has been directed to the "increase of petty criminal charges which have of late years been

1. C.O.54.529.152 Longden to Kimberley 20/9/80.

instituted in the minor courts".¹ After pointing out that the great majority of these petty criminal complaints originated in "disputes about property or land, which give rise to charges and counter-charges of cattle trespass, malicious injuries to fences and boundaries, thefts ... and other such like trivial offences",² the Governor gave the reasons for the existence of this state of affairs. "In former times complaints of this nature were disposed of summarily on the spot, but our rule has destroyed every vestige of the system of village government and has given the people in its place about forty minor courts, scattered over the whole country, presided over by European Magistrates and conducted according to European forms of civil and criminal procedure. Such a system involves the intervention of interpreters and the employment by the natives of professional agency. It is scarcely surprising that tribunals so constituted should have failed to meet the first needs of a semi-civilized oriental peasantry, or that in their attempt to adopt our system to their wants, they should have abused the process of criminal procedure, as a cheaper and efficacious mode of enforcing their civil rights and avenging their petty social crimes".³ He pointed out the solution to this problem, saying "that what is wanted is some inexpensive, prompt and popular means of settling village disputes on the spot ..." which could best be effected by an extension of the system, which had worked so admirably for the settlement of irrigation disputes, to the settlement of other disputes too. "The Mudaliyar or other Chief Headman of each District when fitted for the post, might be more highly paid and entrusted with the powers of a petty Magistrate".⁴ What is significant was that these petty

1. Robinson - Debates of the Legislative Council, 1871, p.5.

2. Ibid.

3. Ibid. pp.5-6. See also Lawrie Mss. Vol. IV for the role of Gamsabawas or Councils of village elders in settling petty disputes in the Kandyan Kingdom.

4. Robinson - Debates of the Legislative Council 1871, p.6.

Magistrates were to be selected not from among the native judicial Officers already in service in other Courts, the native lawyers, the educated natives or the rest of the native public service, but from among the Headmen.

The Queen's Advocate moving the first reading of the Ordinance setting up these Tribunals in the Legislative Council, put up a defence on behalf of the Headmen in meeting the "principal ground" adduced by those who objected to the measure, and stated that the Government "believes that if the headmen had been found wanting in their duties, the blame rested more upon the system, which did not provide for their adequate remuneration and adequate supervision and that if proper inducements were held out - the hope of reward - ... competent men would be forthcoming for the required work".¹ He wanted the Ordinance to be given a trial before "a wholesale and indiscriminating condemnation of the headmen was indulged in".² The establishment of the Village Tribunals was a matter which was closely tied up with the Government's policy towards the Headmen, as will be seen from the above.

The sympathetic policy adopted by the Government regarding Headmen, as compared with the policy of hostility and suspicion adopted previously, appears even to have been accompanied by an attempt on the part of certain Government officials, to provide a theoretical basis for establishing these Tribunals which were to raise the Headmen to new positions in the public service. Governor Robinson, it was seen above, attributed the increase of village crime to the fact that British rule had "destroyed every vestige of the system of village Government" and substituted the European Police Courts

1. Queen's Advocate - Debates of the Legislative Council, 1871.

2. Ibid.

The implied criticism of British institutions contained in this view, in so far as they were unable to meet the first needs of "a semi-civilized oriental peasantry" was given more elaborate expression by the Government Agent of the Central Province.¹ He attempted to show the historical links between the new Village Tribunals to be established, and certain traditional village institutions called "Gamsabawas" which had existed in Ceylon in the past.² He referred to the form of "Home Rule" known as Gamsabawas which dated from remote antiquity and were allied to the form of "Social Government" which existed in Russia, England and India. Outlining the main features of the "patriarchal system" he said that under it the "administration of a village community was entrusted to the natural leaders of that community. The village elders, with the village Headman as the President, met from time to time, at a convenient spot, where surrounded by all who cared to see and hear and criticize their proceedings, they deliberated on affairs of common interest, adjudicated civil disputes and awarded punishments".³ But these "Gamsabawas" were "ousted" from their jurisdiction in civil and criminal matters by English Courts, he observed, and he made an exhortation to the Legislative Council to bring the people "back into the ancient paths of simplicity and rectitude whence we have hitherto been leading them astray".⁴

However, while idealizing the past of Ceylon and making the above

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1. Government Agent, C.P., Debates of the Legislative Council 1871, pp.52-53.
 2. The Government Agent added that Gamsabawas were allied to the system of "social Government" which had existed in England, Russia and India (Debates of the Legislative Council 1871, pp.52-53). This was the period when Maine was writing about village institutions in India and comparing them with old Anglo-Saxon village institutions.
 3. Government Agent, C.P., - Debates of the Legislative Council 1871, pp.52-53.
 4. Ibid.

exhortation, he gave expression to a hard social fact, which seems to have prompted the setting up of Village Tribunals. He pointed out that one of the evils which had resulted from the decay of the Gamsabawas was "the growth in each individual villager of indifference to every object that does not directly conduce to his personal advantage" and the discouragement of co-operation for "common purposes".¹ The new Tribunals thus, evidently had been set up to arrest the above tendency. How far the Government Agents' expectations would be realized, depended on the success with which the Tribunals achieved this object.

After nine years of existence the Tribunals came up for review in 1880, disclosing much useful information as a result of a query made by the Secretary of State in regard to their working. This resulted in a series of reports which not only shed much light on the working of the Tribunals but also reveal the manner in which they affected the position of the Headmen themselves.

Reports on the working of the Tribunals were submitted by six Government Agents and eight Assistant Government Agents, in addition to a Minute by the Lieutenant Governor John Douglas. On the question as to whether the administration of Justice in the Village Tribunals "is generally satisfactory to the people", of the 14 officials mentioned above, 11 reported that it was "generally satisfactory to the people".²

It appears from the reports that the popularity of the Village Tribunals depended on the extent to which the traditional character of the society and the people had changed. In the maritime areas for instance, where the

1. Debates of the Legislative Council 1871, pp.52-53.

2. C.O.54.529.152 Longden to Kimberley 20/9/80.

people had experienced new social influences, which reduce their regard for traditional institutions and the Headmen, the respect for the Tribunals and the decisions of their Presidents seem to have been less. The Assistant Government Agent for Kegalle pointed out that he did not consider the Tribunals as suitable for all districts. "On the contrary" he believed them "eminently unsuitable for to the neighbourhood of large towns and some parts of the maritime districts, where the communal feeling has been lost and been replaced by a counterfeit semblance of municipal organization. In the districts remote from the European influences and especially in the Kandyan districts, their value cannot be over-rated".¹ The same view was confirmed by the opinion of the Government Agent of Galle, who pointed out that in the Galle and Matara districts the Tribunals "do not command the same respect as in the Central and North Central Provinces". The connection between the position of the Headmen and the successful working of the Tribunals is further revealed in the following words of the same Government Agent. "In the Kandyan country which has been only sixty five years under British rule, the feudal feeling is still strong and where the presidents are selected from the hereditary chiefs of the people, there is no difficulty in enforcing the orders of the tribunals, but in the maritime provinces which have been for three hundred years under European rule, all traces of feudal system are well nigh lost, and everything depends on the certainty of the law".² The disapproval which appears to have existed regarding the justice administered by the new Tribunals is best evident in the Report of the Assistant Government Agent of Matara. "The principal cause of disfavour"

1. C.O.54.529.152 Longden to Kimberley 20/9/80.

2. Ibid.

stated that Officer "is the suspicion the people entertain of the partiality of the presidents and councillors. With the natives generally, the integrity of our (i.e. English) Magistrates is happily never questioned ... I never recollect to have seen in a petition of appeal ... a complaint that the Magistrate was biased in favour of one party or another. But with the decisions of the Gamsabawas it is otherwise. Every unsatisfactory decision is there imputed to corruption and the president and the councillors are more often than not accused of the grossest partiality and are believed to have been guilty of it".¹ He said that it mattered little whether those suspicions "are unfounded or not" and that it "is sufficient that they exist". He added that the people "most affected" by the operations of the Tribunals "have no confidence in the administration of Justice in the Courts presided over by Judges and Councillors of their own nationality".² Explaining why the native judicial Officers in the higher Courts, as against the presidents of the Village Tribunals, "enjoy the same degree of respect and confidence which is reposed in their European brethren", the Assistant Government Agent says that this was because, the native Judges of the higher Courts, who belonged to the Civil Service, were entirely dissociated from the natives generally, and at the same time were also "not brought into contact with their suitors and do not stand in the same intimate relation with them that presidents are obliged to do ...".³ He also added that this distrust of the Presidents and Councillors was "more prevalent in the low countries" where the feudal regard for "patriarchal Government" had died out and the decisions of the presidents of the Gamsabawas did not

1. C.O.54.529.152 Longden to Kimberley 20/9/80.

2. Ibid.

3. Ibid.

command the respect of the people.

These remarks show to what extent the success of the Village Tribunals and the policy of appointing Headmen as Presidents of these Tribunals to administer justice, depended on the prestige which the Headmen enjoyed in the different areas. They also reveal that whereas native Judges in the Civil Service appear to have enjoyed the confidence of the people, the appointment of Headmen as Presidents met with different results.

The minute of John Douglas mentioned above attempts to explain to some extent the disapproval which the Village Tribunals met with in certain areas indicating more concretely the social elements and influences which were behind disapproval. By this time there was a rising class of lawyers in Ceylon. Appointments as Presidents of Village Tribunals however were closed to them. The lawyers were also not permitted to participate in a professional capacity in these Tribunals, as it was intended to free these institutions from the procedure and methods adopted in the ordinary Courts of Law, as far as possible.¹ The reaction of these professional men to the Tribunals, which could not have been but unfavourable, is evident in the following words of the Lieutenant Governor: "The legal profession in Ceylon is and has been for many years largely overstocked and it was not without serious apprehension that the village proctor saw a measure introduced the avowed object of which was to withdraw from the Magistrates' Courts in which he practised and to transfer to Village Tribunals in which he would not be called to appear, an important share of those petty disputes, by the

1. Debates of the Legislative Council, 1871, pp.23-24. In 1872, Irving reporting on the Village Tribunals had said that the villages and smaller towns were "infested by Petition Drawers and Proctors who foment litigation and devour the substance of the people". C.O.54.474.38 Irving to Kimberley 4/2/78.

settlement - possibly also by the fomenting, of which he obtained his livelihood.¹ There is, too, a large class of persons - agents and petition drawers - who hang about and obtain their living from matters connected with Courts, to whose interests the measure appeared to be fraught with disaster".² It might be mentioned in passing, that the antagonism of these groups to the Village Tribunals, sponsored by the Government, could not be expected to create a feeling of sympathy, towards the new, English educated, but rather mischievous elements, which to the Government were a disruptive factor.

Another interesting development which tended to bring about the disapproval by the people of the Tribunals is laid bare in the same minute. So long as the Presidents of the Tribunals were to be selected from among the higher grades of Headmen, there was implicit in it the fact that the appointments were to be restricted to the higher families, who in turn belonged to the higher castes.³ The effect of this on the attitude of certain social sections to the Tribunals is pointed out in another section of the minute, which is as follows: "It was foreseen that the presidents and councillors would as a rule be drawn from the higher castes, and though

1. It was revealed that out of 650 petitions lodged between 1st January 1878 and 1st May 1880, appealing against the decisions of the Village Tribunals in the Matara District, 73 petitions contained charges of corruption and partiality, against the Presidents and assessors of the Tribunals. What is noteworthy is that with one exception all these petitions were drawn up in English. The hand of the English educated native petition drawer and the village proctor seems to be evident. As a remedy against these activities of the petition drawers and the proctors, the Government Agent of Galle proposed that it be laid down that petitions be in the native language.

2. C.O.54.529.152 Longden to Kimberley 20/9/80.

3. Ibid.

this would readily be acquiesced in by the rural and especially the Kandyan population, it was very different along the Western and Southern seaboard of the Island. Here is to be found a pushing and industrious population of carpenters, fishermen, coir rope dealers and the like belonging exclusively to what are regarded as the inferior castes. These people are brought much into contact with Europeans; education is largely spread among them and they have out-stripped their high-caste neighbours in the race for wealth and material prosperity".¹ He goes on to say that in these areas "a constant struggle is going on between the higher and lower castes" leading to an "infinity" of petty criminal cases, and that it would be "hardly natural that the inferior castes should favour the relegation of such disputes from European Tribunal to one drawn possibly, if not presumably from the ranks of their adversaries".²

However, although in certain areas the Village Tribunals came in for disapproval at the hands of different social elements to a greater or lesser degree, the Headmen of the higher grades in particular approved of them.³ Even if all of them were not to be equally and immediately benefitted, the Tribunals opened a "large field for the employment of men of rank ...".⁴

1. C.O.54.529.152 Longden to Kimberley 20/9/80.

2. Ibid.

3. There seems to be an exception in the case of the North Central Province. The Chief Headmen of the Seven Kerales which is in this Province evinced a disapproval of the Tribunals on the ground of their having increased the proneness of natives to litigation. The explanation appears to be that in this district the power of the Headmen had been maintained in greater authority than elsewhere. The people of the district who used to go to the Headmen to settle their disputes would turn to the new Tribunals if they were successful, which appears to have been disliked by the Headmen, whose position would be weakened thereby.

4. C.O.54.529.152 Longden to Kimberley 20/9/80.

It is therefore natural, that on the whole, they were opposed to any curtailment of the jurisdiction now exercised by Village Tribunals.

An attempt was made to indicate the attitudes of the senior Government officials, the Headmen themselves and various other elements in society, towards the Tribunals and to the Headmen associated with them. The policy of the Government as a whole was one favourable towards the Tribunals as well as their Presidents. The Lieutenant Governor in his minute of 28th June 1880 after referring to the "... lamentable fact that natives almost universally distrust the judicial employment of native gentlemen of standing in minor judicial posts, [»] ~~so long as the Government has no ground for feeling the same distrust of these gentlemen~~" went on to add that he could not see "how this distrust of each other by the natives is ever to be got over, except by giving carefully selected native gentlemen, the opportunity of showing in practice that they can be honest and impartial".¹ It should be noted however, that the opposition to the Village Tribunals did not arise solely on account of the distrust the natives had for each other when appointed to judicial positions. As, for instance, in the case of the legal profession, it appears to have arisen, owing to their sectional interests being affected. Governor Longden expressed himself also in favour of the Tribunals as follows: "Upon the whole, I believe that notwithstanding some drawbacks and some defects, the working of the Village Tribunals has successfully vindicated the wisdom of the policy which led to their introduction. I am not prepared to extend their powers, but I am still less prepared to abolish them or even curtail their jurisdiction".² He pointed out that with

1. C.O.54.529.152 Longden to Kimberley 20/9/80.

2. Ibid.

a few amendments which need to be introduced the Tribunals "will be made more useful, more respected, more powerful instruments of good ...".¹ The Secretary of State concurred in these views and observed that the Tribunals had "proved to be a very beneficial measure".

Longden took another step in 1881 which continued further the policy revealed above. In a Despatch on the subject of the public service, the Secretary of State made among others, a proposal to add as the "highest prizes" of the lower branch of the Civil Service a few appointments with salaries ranging up to Rs.6000/- p.a. to be reserved for persons born and educated in Ceylon.² The two groups of native public servants who, in the main, constituted the lower branch of the Civil Service were the Clerical servants on the one hand and the Chief Headmen and Presidents of the Village Tribunals on the other. Therefore the question was one of assigning the few appointments with salaries up to Rs.6000/- p.a. referred to above, to either the Clerical Service or the Headmen's Service, or to distribute them between both. What is interesting to note is, that while the Governor assigned none of the posts to the Clerical Service, he proposed to benefit the Chief Headmen and Presidents of Village Tribunals by means of these appointments, as "the great majority of the young men who join the Clerical Service have no reasonable expectation of attaining in any other walks of life any higher prizes than that offered in the service" and because even under the "present terms", admission into the Clerical Service is "eagerly sought".³ He pointed out that it was not just to the public, to incur

1. C.O.54.529.152 Longden to Kimberley 20/9/80.

2. C.O.54.531 Longden to Kimberley Confid. 8/2/81.

3. Ibid.

additional expenditure to offer "additional prizes" to the Clerical Service.¹ Disposing of the Clerical Service in this manner the Governor pointed out, referring to the native Headmen and the Presidents of the Village Tribunals that it was "perhaps the most important branch of the native public service, for upon the headmen depends the administration of the Government among the native population, everywhere except in the towns".² Pressing their claims he added: "They have a wide jurisdiction by positive enactments. They have yet a wider one by custom. Their salaries are in comparison with the trust reposed in them, ridiculously small, and it would be impossible for them to maintain their position, were it not that men of private means as well as good family were selected for the office".³ Having referred to their services in the administration the Governor made a statement which reveals the political significance which the Government appears to have attached to Headmen, but which was very rarely so explicitly expressed. Referring in particular to the superior grades of Headmen, he pointed out that they "exercise a power, which perhaps at rare intervals has been abused, but which is in the main for the good of the people, and that the maintenance of this power has done much to reconcile the people to British rule".⁴ He added that he would show the esteem in which the Government held their service "by promoting some of the number as opportunities occur to higher stations".⁵ To "reconcile the people to British rule" was a task which the Headmen appear to have been able to perform in a special degree unlike the Clerks and similar

1. C.O.54.531. Longden to Kimberley Confid. 8/2/81.

2. Ibid.

3. Ibid.

4. Ibid.

5. Ibid.

native Officers. ~~Usually the latter at best could perhaps serve the Government faithfully and loyally.~~

The services of the Headmen were to be recognized by the creation of certain new appointments in the judicial sphere superior even to those of the Presidents of the Village Tribunals. The highest position to which a Headman could rise under the ordinary process of promotion was the Presidency of a Village Tribunal. Governor Gregory, however, making use of an opportunity offered by certain vacancies that had occurred in certain Police Magistracies in the lowest grades of the Civil Service proper, had appointed two Presidents of Village Tribunals to act as Magistrates. Longden proposed that they be confirmed on a salary of Rs.4000/- p.a., "which would be a compliment to themselves and their nation".¹ Besides these two appointments two other Magistracies were to be created, with salaries of Rs.3000/- p.a. each to which "native headmen" were to be appointed to act as Magistrates. The Governor observes in making these proposals "I would not go further than this at present". In fact, though the number of appointments created was insignificant the Governor had gone far enough, for what mattered was the policy involved.

It has already been seen that there was a large number of lawyers ~~in particular~~ who could have been appointed to these posts. There was also an even larger number of English educated natives seeking employment under Government during this period. That despite these factors the Government ignored their claims, and turned to these native Officers in filling these appointments, reveals a new attitude towards the Headmen on the part of the Government. Recruits from among the Headmen were to be appointed to posts,

1. C.O.54.531 Longden to Kimberley Confid. 8/2/81.

which in fact, were on a par with the lower grades of the Civil Service itself. It is difficult to resist the view, that in regard to the employment of natives in the better posts of public service, there was emerging a tendency on the part of the Government, to consider it sound policy to draw on the Headmen, who were "men of independent means, gentlemen by birth and manners, though not educated up to the English standards ..." rather than recruit solely from among the newly emerging English educated natives, who even when they were reliable and loyal, were not so useful, as they lacked that "power", "influence" and "the respect of their countrymen", which had "done much to reconcile the people to British rule".

CHAPTER FIVE.

CLERICAL SERVICE I

The first steps towards systematic organization

The prospects of native clerical employees received close and special attention from the Government during this period. They were organized into a definite service as a result of the reforms introduced in 1864-65 and those of 1875. Unlike the Civil Service which was manned predominantly by Europeans, the Clerical Service, like the Headmanships, was recruited from Ceylonese. In two other respects, however, the Headmanships and the Clerical Service differed from each other, giving the latter a distinctive character. Birth and property qualifications which were vital considerations in the recruitment to Headmanships, did not carry the same importance in selections to the Clerical Service. On the other hand educational attainments were more important. Whereas only the higher grades of Headmen were required to possess an English education, almost all the Clerks had to possess a knowledge of the language for performing their duties. Thus many who did have a good English education, but would have been disqualified from obtaining Headmanships, owing to the requirements of birth and property, could and did succeed in becoming Clerks.

This appears to have produced an important result on the composition and history of the Clerical Service during the early years of British rule. The Burghers who were almost completely

debarred from Headmanships, as they lacked the traditional qualifications of birth and family, came to constitute not merely a numerically large element in this service, but also to occupy the principal positions in it. Referring to this special position of the Burghers in the lower public appointments, William Digby writes as follows: "The first forty years of the present century formed a halcyon period for the Burghers of Ceylon. As soon as British rule became consolidated, it was found that in the civilized, fairly educated European descendants the authorities had to their hand material which could be manipulated for the thousand and one inferior offices rendered necessary by a modern system of Government. The natives were altogether unacquainted with the English tongue and generally were not apt for the performance of the duties required. Their sympathies too were likely to be anti-European, while the Dutch and the Dutch descendants, would naturally, be on the side of the European rulers who upheld the civilization which placed them in a position superior to the inhabitants of the country".¹ The policy of appointing Burghers to such posts was particularly advocated by Sir Alexander Johnston, the Chief Justice of Ceylon.²

1. Digby: Life of Sir Richard Francis Morgan, Vol.I p.17-18.

2. He said that H.M. Government "ought to show the most marked respect to all persons who are either descendants from Europeans, or who bear any resemblance in features, manners, dress, religion, language and education to Europeans and thereby constantly associate in the minds of the natives an idea of respect and superiority with that of a European and with everything that is characteristic of, or connected with a European". Ibid.Vol.I p.20 and T.1/6452 B. File 17269: Clerks' Memorial of 1859.

He held that the Government "ought to consider the native Burghers as valuable auxiliaries in carrying into effect all such measures and bringing about all such changes, as are calculated to improve the moral and political character of the natives of the island." ¹ He accordingly advised the Government to "place every descendant of a European whatever his complexion might be, precisely upon the same footing as a European and as eligible to the same appointments in every Department of Government." ² He added that, upon his recommendation, Burghers had been appointed to posts of varying importance in the public service. As a consequence, they "have acquired a high value for character and a powerful motive for improving their understanding, for cultivating every branch of knowledge, for making themselves acquainted with the arts and sciences and manufactures and agriculture of Europe; they enjoyed a further opportunity of displaying their talents and extending their influence amongst their countrymen....." ³ These circumstances placed the Burghers in a more advantageous position than the other native communities in regard, not merely to the Clerical Service, but other branches of the public services as well, excepting, of course, the Headmanships. But it was in the Clerical Service that they had the greatest scope for benefitting from this

1. Digby: Life of Morgan. Vol.I p.20.

2. Ibid.

3. Ibid.

position; in almost all the other services they had to face competition from European Officers. The Clerical Service was free from such obstruction. It also offered a far larger number of openings than ~~other branches~~. ~~The number of Officers required in the Civil Service, the Public Works Department or the Medical Department, for instance, was necessarily very limited.~~ Moreover, the educational attainments required in a Clerk were within easier reach of the average Burgher than those required in other departments. "The great body of young Clerks and Proctors in Colombo, some, of the most pronounced ability, were not a few of them unable to finish their scholastic career from want of means. Paterfamilias has a large family, the younger brothers and sisters require schooling and clothing, and the young men have reluctantly to leave school and take to 'quill driving' in a Government, legal or mercantile office not because of a particular fascination about pen-work, as from the fact that there is no other career open to them."¹ Digby added that the greatest ambition cherished by a Burgher lad was to get into Government Service.² This was "not only because of the prizes there but also because of the pension secured by a length of service, and a certain aroma of undefined respectability

1. Digby: Life of Morgan. Vol.I p.35.

2. Digby refers to "the volunteer clerk in an ordinary business firm known to fill up his spare time covering whole sheets of foolscap by conceiving possible bliss, which takes the shape of writing his name thus: F. Jro. Albuquerque, C.C.S. This however does not so much refer to the class whose education and ability would fit them for the Civil Service proper: the C.C.S. of such aspirants refer more to the Chief Clerical Service than to the Charmed Covenanted Circle, which can only be entered by a writer who has an English training." (Digby. Vol.I. p.34-35).

which hangs about Government employ, attractive to semi-orientals as much as to indigenous Easterners"¹. Thus even as late as the time that Digby wrote, the Burghers predominated in the Clerical Service. It could have been said with a great degree of truth, that on the whole the General Administration of the country was carried on through European Civil Servants, the Burgher Clerks and the Sinhalese and Tamil Headmen, each group in charge of a different sector of the administration. It is therefore not surprising that it was essentially an appeal for improving their prospects originating from the Burgher Clerks of Colombo, which after prolonged inquiry led to the reforms of 1865. That appeal was as much an assertion of the claims of the Burghers to better treatment by the Government, as for pressing the claims of the Clerks. However, the prolonged discussions and the belated reforms which followed as a sequel to the appeal went far beyond the issues raised in the Clerks' Memorial. The limited numbers of isolated clerkships, recruited mainly from the Burghers, which had sufficed during the early British days, were inadequate to meet the changed needs of the administration, owing to the increasing volume and growing complexity of the work involved. A comprehensive inquiry with a view to creating an integrated and systematic service had become necessary. Besides, the position of the Burghers in the Clerical Service was beginning, if it had not already begun, to change. Their privileged position was not solely due to their

1. Digby: Life of Morgan. Vol.I p.34.

racial and cultural affinities with the Europeans. It was also largely due to their greater acquaintance with the language of the rulers. This, however, the Sinhalese and the Tamils themselves could acquire. These English educated Sinhalese and Tamils whose numbers were gradually increasing with the developments in education, had also to turn chiefly to the Clerical Service, like the Burghers. Headmanships, which were mostly unpaid, were for those with property and birth. Much of what Digby had said of the Burghers was in course of time becoming applicable to the English educated Sinhalese and Tamils as well. The reorganization and the developments in the Clerical Service also reflects to some extent this need to take into account the ever widening range of native aspirants, often with conflicting interests, looking to it for employment.¹ It was more than a question of granting some increases of salary to the Clerks of Colombo.

The reforms which came into effect from 1865 may be said to be the first important attempt at organization in the history of the Clerical Service. The problems involved were, however, so complex that a second revision became necessary within a decade. The structure of the Service, the modes of recruitment and promo-

1. This transformation was not confined to the Clerical Service. In fact, it reflected a general tendency discernible to some extent in almost all branches of the public life, except in the Headmanships, from which the Burghers were excluded from the beginning. The leading position held by the Burghers initially, began gradually to decline everywhere, with the growth of the Sinhalese and Tamil English educated community. Even so it was most marked in the Clerical Service for in it were the Burghers employed most widely and to it had the Sinhalese and Tamils to look mostly.

tion and the scales of salaries were reviewed on both occasions.

It was however the last mentioned aspect alone that was raised by the Clerks themselves in their Memorial of 1859, as stated earlier. A general revision of the salaries and conditions in all the establishments in the entire public service had taken place in 1857. However, though it dealt with other grades in the public service such as the Civil Service comprehensively, the Clerical Service received little or no attention. Except for adjusting the salaries of a few individual Clerks, these officers did not receive even an increase of salary. The Clerks of Colombo memorialised Governor Ward for consideration of their claims but without avail. The request was repeated in 1861 during the administration of the new Governor MacCarthy who appointed a Commission of Inquiry to go into the question. When these recommendations eventually came into effect, Robinson had assumed the Governorship.

In their Memorial of 1859, the Clerks themselves stressed the fact that they were principally descendants of Europeans, accustomed to a great extent to European habits and comforts of civilized life.¹ Their salaries had not been augmented since the General Revision of 1845, though the cost of living and house rents had risen. Their case had not been considered in 1857 owing to two

1. T1/6452.B. File 17269 Memo of Clerks to Ward, 1859; c.o.54.377. MacCarthy to ~~Newcastle~~, 133 of 12.8.63. (The original of MacCarthy's despatch is to be found in c.o.54.377, but not the enclosures referred to in the despatch. The enclosures are in the Treasury file 17269 in Box T1/6452.B).

reasons: firstly the large number of applicants for vacancies in "the gift of the Government" and secondly the increase in the cost of living having not materially affected the Clerks.¹ Meeting the first objection the Clerks explained that applications for vacant situations generally emanated from Clerks already in Government employment who did so as a means of obtaining promotion in the service. They asserted that the strangers who applied for vacancies if ever, did not possess the qualifications required. In any circumstances, however, it was detrimental to their own as well as the public service's interests that they should be "retained in insufficient salaries simply on account of the great number of applications", for vacancies. Dealing with the second point they said that so far from the cost of living not having materially affected them, the majority of them, who had families had been for some time past being undergoing great hardship and positive

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1. A committee of the Legislative Council had admitted earlier with regard to the Clerks of the Colonial Secretary's office that the prices of the necessaries of life had increased to some extent and considered it fair to grant a corresponding increase of salary under ordinary circumstances. But they held that the rate of existing salaries to be not unduly low. Moreover, considering the results which had followed a depression of the revenue in the past, it had seemed inexpedient at the mere recommencement of prosperity to draw largely upon the revenue. The Committee added that although the amount of business in offices would continue to increase "yet the legitimate mode of providing for it seems to be not by an augmentation to the salary of those who at present do as much as can fairly be expected of them, but by an addition to the number of Clerks, which maybe obtained in the Provisional establishment". c.o.54.377.133. MacCarthy to New Castle, 128.63: Cox's Minute of 29.9.63.

privations as their salaries were inadequate to meet ordinary wants. This they were prepared to prove before any Commission of Inquiry. They supported their view with a statement of prices of principal articles of consumption for 1849 and 1859.¹ It showed that the cost of living had increased since 1849 by over 100 per cent. House rents had risen by 50 per cent "owing to the rapid extension of trade, creating an increasing demand for accommodation for stores etc. so that dwelling houses cannot be secured except on very high rent....."² Many streets formerly occupied as residences by Clerks had been converted into shops and warehouses. It was a notorious fact that dwelling houses for the class of occupants to which the Clerks belonged had not increased with the increase of population.³ It was scarcely possible that they could increase for there was "not a spot of ground near the market, Fort etc. available for building purposes".⁴ Lastly, the wages of servants of all description had increased at nearly the same ratio, owing to higher inducements for employment held out by the mercantile and planting interests. Even female servants who were the cheapest description of menials employed by them were now extensively employed in coffee stores at rates which they could not afford to pay.⁵ This state of things which was the natural result of the increasing

1. See Appendix **II.B.**

2. T1/6542.B. File 17269: Clerks' Memorial to Ward, 1859.

3. See Appendix **II.B.**

4. T1/6542.B. File 17269: Clerks' Memorial to Ward, 1859.

5. See Appendix **II.A.**

prosperity of the colony, they urged, had tended to increase proportionately the expenses of the memorialists.¹

They pointed out that the aggregate number of Clerks employed in Colombo was 124. Of them 19 clerkships with salaries varying from £300 to £130 p.a. were attached to "officers of great trust and responsibility and were only conferred on those who became entitled to them by long and meritorious service."² The holders of these 19 posts had been in service for periods varying from 25 to 40 years. Their duties and responsibilities had greatly increased.³ Apart from other considerations, this alone should entitle them to an increase of salary. The other 105 Clerks received salaries varying from £120 to £30 p.a. or on an average £75 each. 'The average rates of house rents and servants' wages being about £35 p.a. the remaining £40 was quite inadequate to provide an ordinary family with the bare necessities of life, much less the clothing and education of their children. The actual expenses of a family including servants exceeded £120. Thus they had to undergo privations and deny themselves the ordinary comforts of life.

They next drew attention to the fact that "superior inducements of entering private employment" were offered in every direction but that clerks in consequence of their long services which

1. See Appendix **IIA**. and B.

2. 2 received £300; 4-£200; 9-£150; 2-£140; 10-£130 p.a.

3. See Appendix **IIIC**.

entitled most of them to pensions refrained from accepting them. However, men whose short terms of service enabled them to leave Government Service had accepted situations in private establishments and were receiving "far higher salaries" than drawn by Clerks of long standing in Government Service.¹ Owing to these circumstances they were most concerned that they could not enable their children to benefit by the available educational opportunities, so as to qualify for responsible posts in the public offices.

The Governor in reply said that he did not doubt that the increased cost of the necessities of life made it "very difficult for the Clerks to live on their pay".² But nothing could be done, he informed them, apparently referring to the increases granted to other Officers in 1858, at least until it was seen whether the revenue would be equal permanently to the new charges imposed upon it. The Clerks in renewing their request in 1861 reiterated most of the arguments of 1859 but drew particular attention to the considerable increase in the volume of business in the offices owing to the yearly progress of the colony.³ The cost of living they urged had increased further since their memorial of 1859. They urged that though their appeal of 1859 had been rejected their difficulties had been acknowledged by the previous Governor. MacCarthy accordingly appointed his Committee of Inquiry.⁴ Ward's

1. T1/6452.B. File 17269: Clerks' Memorial to Ward, 1859. See Appendix IID.

2. T1/6452.B. File 17269: Col. Secy's letter to Clerks, 13/4/59.

3. Ibid: Clerks' Memorial to MacCarthy, July 1861 (Signed by J. A. Van Langenburg, Ide and others).

4. The Committee consisted of Morgan, the Queen's Advocate, Saunders the Treasurer and Pennefather the Auditor General.

admission of their difficulties and an implicit promise of reconsideration of their case when the revenue permitted it, contained in Ward's reply to the Clerks, induced MacCarthy to do justice to this "large and useful class of public servants".¹ The Committee was necessary to obtain "full and satisfactory" information on the subject. It was not to confine itself to the augmentation of salaries but was to "enter fully on the consideration of the requirements of the public departments throughout the Island as regards Clerks belonging to each department and to suggest such reforms and reductions in number as would ameliorate the Clerks individually without detracting from their efficiency as a body".² The Governor appears to have had in mind the need for measures for reducing the numbers, perhaps to counter balance the extra expenditure which any increases of salary would involve. Keeping the cost within reasonable limits was of extreme importance in the Clerical Service, as the number of officers involved was so large. Ward's refusal to grant an increase, and MacCarthy's instructions to the Committee appear to indicate the weight attached to this aspect of the question by both Governors. Yet the Committee seems to have failed to appreciate this aspect at the beginning, leading to the rejection by the Governor of its first report.

1. C.O.54.377.133. MacCarthy to ~~New~~Castle, 12.8.63.

2. Ibid.

In the report of 1862, the Committee pointed out that in all branches of the public service, "business has greatly increased, the labour of the Clerks being augmented in a considerable degree".¹ The Committee appointed to inquire into the fixed establishments in 1857 had reported against a general increase to the salaries of the Clerks as the circumstances of the colony at the time did not justify such a step. The changes in the prices of 'the necessaries of life' at that time had also not been considered sufficiently widespread to materially affect the Clerks in general. But during the four years since that report the state of things in the colony had changed considerably. "Its resources have been largely developed" and there was "decided and steady prosperity". On the whole the Committee admitted the validity of the grievances of the Clerks. "... it has been presented to us from all parts of the Island and our knowledge to a certain extent confirms ... that the prices ... have advanced in general, so considerably that a salary which was formerly adequate now proves wholly insufficient even with the strictest economy. At Colombo especially, house rents and wages and the cost of food have been greatly enhanced and in many cases have been doubled".² They agreed that the pay in Government offices was far below that in leading mercantile houses and other branches of business. The Committee drew attention to the adverse effects of this on the efficiency of the Clerical Service. The natural result of the lower salaries paid by the Government was that the candidates who presented themselves for public employment currently were "generally inferior in education and ability to their predecessors".³ A case had been made out for an increase and the

1. T1/6452.B. File 17269: Report of Committee of 5/5/62.

2. T1/6452.B. File 17269: Report of Committee of 5/5/62.

3. Ibid.

Committee thought that the thriving revenue of the island could bear it without difficulty.

Accordingly they recommended a general increase involving an extra expenditure of £3,914.12.6.¹ As it was felt that the more highly paid Clerks stood in less need of relief than those drawing less, they adopted a scale of increases by which the lowest paid Clerks would receive a larger percentage on their salaries than those in the same grade drawing higher pay.²

Besides the increase in salaries the Committee also made certain other recommendations of a very broad character, touching on aspects like promotions, examinations and proposals for reducing staff with a view to economy. But these were of subsidiary importance in the report, its main attention being concentrated on the revision of salaries. As seen earlier, the Governor's instructions permitted them wide scope. But by confining their main attention to the question of salaries, and ignoring structural changes no far reaching reform of the Service, as would correspond to the new requirements of the times, was possible. Dissenting from the report, MacCarthy referred it back to the Committee for reconsideration.³ However, the grounds adduced by the Governor for reconsideration of the report was not the need for structural and other similar reforms. His objections were

1. The following rates of increase were recommended:

- (1) Clerks drawing a salary under £50 p.a. to get increase of £6 each.
- (2) " " " " between £50 and £100 p.a. to get increase of £12 each.
- (3) " " " " over £100 p.a. to get increase of £18 each.

Those receiving over £200 did not receive an increase generally. The scheme was to apply ~~only~~ to Clerks on the Fixed Establishment only, thus excluding those on the Provisional Establishment. Those who had received increases in 1858 and those attached to offices in the N. Province who too had received certain increases some time back were also excluded from the benefits.

2. T1/6452.B. File 17269: Report of Committee of 5/5/62.

3. Ibid. Governor's Minute of 7/4/63.

directed chiefly against the sweeping and general increase of salaries. In his initial instructions too he had suggested the feasibility of proposals to reduce the number of appointments. In his dissent he pointed out that the case of the Clerks had been under review together with all the other branches of the public service, during the revision of 1858. However, as it was possible that some of the Clerks may not have been benefitted by that revision, what was needed, he argued, was that the grievances of such individuals should be redressed, but not a general increase of all salaries. He wanted a simple correction of any such specific errors, while adhering to the revision of 1858. He also said that it was not clear to him that the Clerks as a class were generally underpaid. Their salaries, in his view, were on the whole quite equal to those paid in England, though there might be special cases of hardship arising from items like high rent in certain stations. Great stress had been laid on the alleged increase in the cost of living. Although he admitted that some increase had taken place, it had been much exaggerated. He finally objected to the exclusion of the higher salaries from the augmentation as proposed, for it would lower the relative position of the higher officers.

Although the Governor's objections were thus mainly directed against the need for a general increase of salary, they had the salutary effect of indirectly drawing the Committee's attention to the broader question of a more comprehensive reorganization of the Service.

Accordingly the Committee reconsidered the subject and submitted a preliminary report to the Governor in which they reiterated the need for a general revision of the Clerks' salaries. Answering the points raised by

MacCarthy, they gave a number of reasons why it was undesirable to deal merely with individual instances of hardship. Besides occupying much time it would force the Committee to "enquire into much of a private nature ... not the concern of a Government". Duties and responsibilities attached to the offices and not the individuals should be the concern. Moreover, personal increases to individuals would benefit the existing holders of posts but not their successors. The "heart burning and jealousies" engendered by personal increases would be injurious to the public service.¹ Disagreeing with the Governor on the rise in the cost of living they maintained that it was much higher than in 1857 and it was not possible for Clerks to live on their existing salaries. The growing wealth of the colony, the inauguration of the Railway and the greater development of private enterprises were still further influencing the rise in house rents, servants' wages and prices of provisions. As these were affecting even those enjoying higher salaries, they could not but press severely upon Clerks with smaller salaries who "consequently get involved in debt and have to endure want and misery to enable them to sustain an outward garb of respectability".² The relatively low salaries paid to Clerks in Government employment, contrary to the Governor's view tended to "dishearten men and honest service can hardly be expected nor will efficient men join a service that does not afford in the present or in the future remuneration and prospects beyond a bare subsistence",³

However, while disagreeing with the Governor's objections to the scheme they had put forward, the Committee did not uphold the scheme itself.

1. T1/6452.B. File 17269: Committee's Report of 12/5/63.

2. Ibid.

3. T1/6452.B. File 17269: Committee's Report of 12/5/63.

Instead they submitted new proposals which were entirely different from the original plan of increases. Although that first scheme of the Committee was open to criticism in that it merely increased the salaries without making any structural reorganization of the Service, the Governor's objections to it were even more so. He wanted individual increases instead of the Committee's scheme of general increases. The Committee now made proposals which were an ~~even~~ further improvement on their own original scheme. They were the first attempt in the direction of organizing the Clerkships, which as a whole, had hitherto existed as an incoherent medley of separate appointments into an integrated Clerical Service. Clerkships in different departments and districts could be treated in isolation and with little need for a uniform basis for determiningⁱⁿ selections and promotions, so long as the number of such offices was limited and those aspiring to them few. The Civil Service had been classified and organized on ~~such~~ a systematic^{basis} ~~beginning~~ from the early days of British rule. In this respect the Clerical Service had lagged behind. Some such reorganization was now urgent in the latter too.

The most important new feature of the final scheme submitted by the Committee was a system of classification. They said that "a system of classification which would offer some present and prospective prizes first suggested itself" and was still considered by them to be the best form of carrying out a general revision.¹ But as it would have involved a large expenditure, the Committee had instead recommended the moderate scheme of general increases, which had been turned down by the Governor. Explaining the advantages of a system of classification they said that the schedule of existing establishments showed "how unequal are the rates of salaries and

1. T1/6452.B. File 17269: Committee's Report of 12/5/63.

how few are the prizes to be obtained either for long or meritorious services".¹ In a service of 510 persons, there were only two appointments carrying salaries of £300 p.a.; ten of £250 and nine of £200 p.a. Moreover the result of the existing "system of separate establishments to each Department is that these few higher salaries are not open to the service generally, that promotion is quite a lottery, some reaching fair salaries after a short service not on account of special qualifications but by mere routine and the luck of office movements; whilst the promotion of others especially those belonging to limited offices is very slow and they remain for years, perhaps nearly all their service at the same salary and having no hope of removal to other Departments or of attainments to the few higher appointments attached thereto; disappointment dampens the energies and capabilities of many, who under another system would have the incentive to the exercise of zealous and efficient service ...".² They indicated how this affected the efficiency of the service no less than the prospects of the men, for the "consequence is that Chief Clerks of Departments are not always the best men, the Senior Clerks of an office obtaining the position more from consideration of his long service and connection with the office than from his qualifications, and the conduct of business is thus impaired".³

To remedy this the Committee recommended a system of classification under which all Clerks receiving over £40 p.a. were divided into seventeen classes. The Committee's first report too had recognized this need for mobility of officers from department to department, although no concrete proposals had been made for ensuring it.⁴ That report indicates more clearly

1. T1/6452.B. File 17269: Committee's Report of 12/5/63.

2. T1/6452.B. File 17269: Committee's Report of 4/7/63.

3. Ibid.

4. T1/6452.B. File 17269: Committee's Report of 5/5/62.

even than the second, the undesirable effects of the existing exclusiveness of each office and establishment. It also seems to indicate certain implications which stood in the way of any change towards greater mobility. The Report recognized the need to give due weight to the recommendations of a Head of a Department as to the best means of filling up vacancies in his establishment and that preference should normally be given to one already on that staff, acquainted with the details of business. But it added that the large discretion thus left in the hands of Heads of Department was sure to be exercised generally in favour of the Clerks in their own particular offices, ^{rather} ^{of} ~~than~~ those outside. How far such discretion was consistent with the interests of the service as a whole was a question which the Committee had to decide. In the first report they were not ready to go beyond making a broad observation that the efficiency of the service would be advanced if the rule was laid down that promotion should not necessarily go in the office where a vacancy occurred.

Under the existing system, moreover, there was a great reluctance on the part of qualified men to accept employment at outstations because thereby they virtually relinquished their claims to promotion at Colombo. The Government thus suffered both from the difficulty of filling vacancies in the provinces on the one hand, and at Colombo on the other owing to the limited number eligible for promotion. A better class of men would be ready for employment at the outstations if they knew that their claims for promotion would be weighed in common with those of others in filling vacancies at Colombo. The same was true of the interchange of Clerks among the other departments too. The Committee therefore warned that the existing practice

should not be allowed to grow tacitly into the force of a regulation. In support of this they cited the practice obtaining in other territories. According to the Civil Service Regulations of the Cape of Good Hope, although promotion to the higher classes of Clerkships was generally within each department, employees could be transferred from one department to another according to the needs of the service. A similar practice existed in Canada under the Civil Service Act.¹ However, as any system of inter-departmental promotions required a far reaching change in the existing system involving especially a withdrawal of the discretion so far exercised by the departmental Heads, it was only in their second report that the Committee made concrete proposals for classifying the service. Even those proposals were extremely modest.

Of the seventeen classes, the first three were to be constituted by the Senior and Chief Clerkships of the leading departments in the public service.² These were to be "the prizes of the Service" and promotion to them was to be based solely on the capabilities of the officers. Appointments to these classes would "no longer be a matter of mere rotation and the good fortune of being attached to a particular department..."³ They were to be thrown open to the whole service and "may in time be obtained by any properly qualified officer, but certainly not by those who have no such claim to promotion ..." ⁴ Hope of such promotion would be an incentive to efficient

1. Victoria 11. Cap. 32.

2. Clerkships of the offices of the Colonial Secretary, Treasurer, Controller of Customs, Auditor General, Civil Engineer, Surveyor General, Government Agents of the Western and Central Provinces, the Queen's Advocate and the District Courts of Colombo and Kandy and the Commissariat Dept. at Colombo

3. T1/6452.B. File 17269: Committee's Report of 4/7/63.

4. Ibid.

service, the Committee urged. The Chief Clerks selected in this way and not connected with the offices they joined would be better able to exercise control over other clerks. Besides, being selected from a varied service, they would be likely to infuse new energy and improvement to the work. This recommendation, for the first time, theoretically at least, enhanced the prospects of the entire service, in so far as it made accessible a number of posts which had hitherto been a preserve of a select few. However, the number of offices involved was only about fifteen. But considering that the initial salary of a Civil Servant was £200 p.a. these posts carrying over £200 p.a. were a substantial attraction to the Clerks, the large section of whom received far less than half that sum.¹

The Committee was not ready to extend the principle of inter-departmental promotions to the entire Clerical Services. Thus in the remaining fourteen classes (leaving out the first three classes already dealt with) promotion was to go by rotation. There was to be an exception only if the Head of the Department in which a vacancy occurred, considered the person at the top of the class for promotion, not qualified for the vacant office. In such instances he was to select or recommend any person in the class in which the vacancy occurred or in the one next below it. Although the Committee expressed a hope that the system would open a large field of general promotion to all efficient officers, in these classes which were not fully integrated for purposes of promotion, as the first three, the general tendency continued to be for vacancies to be filled by promoting the seniormost man within the department rather than ^{by} recruiting an outsider. To that extent it

1. The implications which this could have for the Burghers might be realized when it is recalled that almost all the leading Chief Clerkships in Colombo were held by them, while Sinhalese and Tamil Clerks were attached generally to provincial offices.

not only restricted scope for promotion to the vast majority of the Clerks, but retained the large discretionary powers regarding promotion exercised by the Heads of Departments.

Moreover, other categories of officers like Cashiers, Shroffs, Interpreters and Storekeepers were excluded from this general classification. Not being considered by the Committee to be generally competent for advancement to all offices, they were included in a separate classification. However, their promotions were also to be determined on the same basis as for the last fourteen classes, discussed above, but within their separate classification. Only those who were competent were to be eligible for promotion to the general classification recommended for Clerks. These officers were also, thus, to be a closed category, not fully integrated into the rest of the body of Clerks, mainly owing to the somewhat specialized nature of their duties.

Finally dealing with the large number of subordinate officers and employees drawing salaries below £40 p.a., some of whom earned as little as £4.10.0., the Committee said that with duties of a most varied character, classification was neither possible nor desirable. To these accordingly the Committee recommended specific rates of increase in salary. Referring in particular to the Messengers, Process Servers, Post Holders, Runners etc. who constituted the majority of these employees, the Committee pointed out that their existing rates of pay were most disproportionate "to their assumed duties, to the lowest rates of servants' wages and inadequate to secure respectable men and the honest and efficient discharge of duties".¹ They recommended that their rates of pay be increased to £1 p.m. generally as

1. T1/6452.B. File 17269: Committee's Report of 4/7/63.

less would "not attract the useful and trustworthy and in fact that nowadays they cannot live respectfully upon less ..."¹ While they too were excluded from the general classification, "really capable" men among them, however, were to be considered eligible for promotion to the general classification.

Thus in place of the scheme of general and direct increases of salary proposed by the Committee in 1862, for all employees including the Clerks, the above scheme of 1863 made a distinction between the officers drawing salaries of £40 p.a. and above and those drawing below that amount.² While the latter were to be given direct increases of salary, the former were not. Those drawing above £40 were instead to derive whatever benefits they could by the new system of classification and the prospects of promotion it held out. Despite the absence of uniformity in the basis of promotion adopted in the case of different classes, yet promotion was urged as the desirable mode of improving the prospects of these classified officers. However, in case the system of classification was not acceptable to the Government, the Committee submitted an alternative scheme for granting an incremental scale of salaries to the Clerks.³ According to this, the advancement of officers did not have to depend on promotion from class to class, but simply on the length of service of the officer. However, as the Committee itself pointed out, this scheme did not have the advantages of the classification scheme, for it made increases applicable to all officers on the mere score of service without reference to merit.

1. Tpi6452. G. File 17269. Committee's Report of 4.7.63.

2. This was to involve an increased expenditure of £6195.5.6. annually thus: Clerks £3100; Cashiers etc. £735; Storekeepers £155; those drawing between £40 and £20 p.a. - £744.5.3; Inferior Servants £1463.0.3.

3. See Appendices II-A and II-B.

The other important aspect which attracted the attention of the Committee related to recruitment. One argument adduced by the Committee in urging better prospects for the Clerks was that the men seeking employment were as a class inferior in ability and attainments to those who used to come forward formerly. Although better and speedier prospects of promotion were conducive to remedying this evil, the Committee thought that "it would be advantageous to require each candidate to pass an examination as a test of his eligibility for the public service"¹. But it should not be competitive in any way but "simply establish a standard of competency"². A similar system was already working with advantage in some of the North American Colonies, in Mauritius and the Cape of Good Hope. A most important step in this direction had been taken in Ceylon itself, by the Government, in declaring that in filling up Junior appointments special regard was to be given to the claims of those who passed with credit, the local examination held by the Central School Commission.³ In addition to this, the Committee recommended a special departmental examination to be conducted through written papers on a system of fixed marks. The candidates were to be examined in subjects likely to be useful for Clerks in their daily work.⁴ This proposal too indicated an important step in a new direction. Under the existing system Heads of Department and Senior Officials appear to have enjoyed a wide discretion not merely in regard to promotion but also in

1. T1/6452.B. File 17269: Committee's Reports of 5/5/62 and 4/7/63.

2. Ibid.

3. Government Gazette of 26/11/62. This examination was not specifically intended for the public service but was a general feature of the education system of the island. See chapter on Education.

4. The subjects were to be: Writing accurately to dictation; Orthography and Handwriting; Rules of English Grammar; Arithmetic; Making abstracts of documents & Drafting letters on given subjects.

making selections. There being no uniform and clearly recognized mode of recruitment, factors like the acquaintance between aspirants to employment on the one hand and Senior Officials on the other, were likely to have gone a long way in determining recruitment. In the absence of a more impartial and reliable means of judging the claims of different candidates, this was not surprising. But with the widening strata of educated young men seeking employment, a better mode of recruitment was necessitated. However, apart from the broad suggestion referred to above, the Committee made no concrete proposals. This aspect had to await closer attention during the next few years.

Finally the Committee made a number of miscellaneous recommendations aimed at reducing the cost of the clerical establishment. The proposals of the Committee would involve an extra expenditure. Besides this there was the possible increase of expenditure entailed by the continually increasing number of Clerks required owing to the expanding volume of business transacted in the offices.¹ This had to be kept in check if the number of Clerks was to be reduced. With this end in view the Committee proposed a simpler system of public correspondence to be followed in the Government offices. They expected this would allow for considerable future reductions in the number of Clerks.

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1. The existing practice was for all letters and documents addressed by one department to another, to be retained in the department addressed. This necessitated the keeping of letter books to copy the letters and documents sent. Also, the letters and their replies were all "unnecessarily clothed in the periphrasis of official form". All this added to the number of copying Clerks. It was suggested by the Committee that the system of memorandums, used in certain other colonies and employed extensively in India be adopted. It was also proposed to avoid the practice of copying letters by (a) keeping in each office a register of all letters sent and received, giving the particulars of the correspondence (b) returning to the departments of origin all letters and documents received by a department. (Ta/6452.B. File 17269: Committee Reports of 5/5/62 & 4/7/63).

The Governor in submitting the report to the Secretary of State expressed approval for the scheme of classification proposed by the Committee as against the incremental system. It was "better calculated to secure the amelioration of the condition of the Clerks and an improved and more efficient conduct of the business of Public Departments". Moreover, while it would give an increase to the majority of the Clerks, it would not increase the salary of every individual indiscriminately without reference to the importance of his office. He argued that although the number of classes was perhaps too large, considering the large number of persons employed and the varying rates of salary drawn by them, it was not possible to reduce the number without incurring a larger increase of expenditure. He also expressed general approval for the other recommendations as well.

At the Colonial Office itself there was general agreement on the need for ameliorating the conditions of the Clerks. Cox wrote that no new arguments had been adduced in favour of the Clerks by MacCarthy than had been done by Ward. But if the scheme would ensure a more efficient working of the departments and lead to the ^{fore}shadowed ~~cut~~ reductions in the number of Clerks while satisfying so large a number of public servants, these objects "would not be ^{also} dearly bought at the price". Rogers ^{also} noted that ^{the argument about} the existence of real distress and the difficulty of getting fit persons to enter the service, derived weight from certain frauds actually or allegedly having taken place in the lower rungs of the public service. Of the two schemes submitted by the Committee there was general preference for the classification scheme. An incremental scale of pay was considered inconvenient in

account and in passing the annual estimates. Moreover it was pointed out that increments might be required in a stagnant public service to compensate for lack of promotion. But it was wholly unnecessary in Ceylon where the rapid advance of the colony was constantly requiring increase of establishments bringing with it promotion and consequently increase of salary in a far more satisfactory shape. It was also appreciated at the Colonial Office that the rise in the cost of living so much noticed of late in England had been more remarkable in India and the neighbouring countries and that a good case had been made for a widely extended increase.

The Secretary of State concurred in these views generally. He preferred the scheme of classification for those drawing over £40 p.a. as salary and fixed increases for the others. However, he too was not unmindful of the cost involved.¹ He specifically reminded the Governor that the revision of salaries should be accompanied by a careful inquiry as to how far it might be "practicable to counter-veil" it by a reduction in the numbers employed. The scheme received his sanction on 27th March 1865. It fell ^{short} of any adequate solution to the problems to be dealt with. Nevertheless it recognized them and indicated the new lines on which the Clerical Service should develop in solving them in the future.

1. As a means of reducing clerical labour, the Secretary of State suggested the desirability of substituting quarterly for monthly salaries, in the case of the better paid clerks. There were however misgivings in the Colonial Office itself as to its feasibility. Strachey thought it ought be introduced in Ceylon and Mauritius as it would produce an immense saving of labour. Ceylon, he thought, would be able thereby to set an example in administrative reform to India where too the monthly system was a great inconvenience. Rogers was pessimistic. To a poor man frequent receipts of salary facilitated ready money dealings and domestic economy. A lower salary paid monthly might be equivalent to a higher one paid quarterly. Advantages like monthly salaries enabled the Government to content its employees by lower salaries. The idea was opposed in Ceylon too and eventually abandoned. (C.O.54.377. MacCarthy to New Castle, 133 of 12/8/63 and Minutes of Strachey and Rogers of 9/10/63).

CLERICAL SERVICE II

Prospects and Problems of the Service.

It has been seen how the commencement of the period of this study saw the inauguration of a new phase in the development of the Clerical Service. However that reorganization, significant as the first notable attempt to consider the structure of the service as a whole, was limited in scope. The reforms had been ~~desig~~^{desig^{ned}} both to improve administrative organization and to provide more uniform and improved prospects for the educated natives turning to the Clerical Service for employment. It increased so rapidly that the changes introduced, soon proved inadequate.

When the Civil Servants and other higher administrative officers made their appeal for a revision of their salaries, leading as seen already to certain concessions being made to them, the clerks too submitted a similar appeal.¹ In this memorial of 1866 the clerks prayed that their case be not overlooked in the revision which might occur in the formers' salaries and prospects.² It should be noted that the recent reforms had been the outcome of an appeal made by the clerks as early as 1859. Accordingly they urged that with the lapse of seven years the circumstances had changed further. As in the appeals of 1859 and 1861, so in that of 1866 the rise in the house rents came in for special mention by the clerks.³

The Governor, Robinson, pointed out that a great many of the clerks had received an increase under the recant revision though of course the salaries

1. See Chapter on Civil Service.

2. C.O.54.416.279. Robinson to Carnarvon 23/11/66: Clerks' Memorial of 1866.

3. The clerks submitted a statement showing the increase in rents paid by 19 clerks in Colombo between 1859 and 1866. While the rents had ranged from £1 to £2.5.0. in 1859, in 1866 they ranged from £1.10.0. to £3.10.0., representing an increase of 80 to 100 per cent in different cases. The rents of 14 out of the 19 clerks had risen by 25 per cent, while seven had to pay over fifty per cent more.

of some had not been raised. However, he agreed that the argument that ^{the} cost of living had risen since 1864 might properly be taken into account. Therefore, he recommended to the Secretary of State that those clerks who did not receive an increase in the earlier revision might be granted the same percentage of increase as might be granted to the Civil Servants, while the others should be paid the difference between the rate of increase they had already received and that which might be recommended for the Civil Servants.¹ The clerks' appeal was of no avail as the Secretary of State was wary of granting an increase to even the entirety of the Civil Service.

The Clerks however did not abandon their efforts. They pressed their claims in letters to the local press which, on the whole, was sympathetic towards their claims.² The Examiner in particular editorially urged their claims on the grounds of the rise in the cost of living. The fact that the lowest grades of Civil Servants had been granted an increase as a sequel to their appeal gave the clerks an added ground for persevering in their claims. It was to avoid such a situation that Robinson seems to have supported the claims of the Clerks as much as those of the Civil Servants in 1866. He appears to have been mindful of the need to avoid any appearance of discrimination in favour of the higher grades of officers who were mainly European. Therefore in recommending their claims he said that his proposals would give a uniform rate of increase to all public servants. As it happened, however, Robinson was not able to grant any increase to the Clerks. On the other hand, far reaching changes were made during his Governorship even regarding the admission of Civil Servants, which in themselves were bound to

1. C.O.54.416.270. Robinson to Carnarvon 23/11/66.

2. Observer 24/8/71; Examiner 22/7/72; 7/8/72; 6/2/73.

adversely affect native candidates for that service.

It was with the arrival of Gregory that their case began to receive the Government's attention once again. On the whole ^{the} prospects of natives in different branches of the public service received better treatment during his Governorship. Thus, speaking before the Legislative Council in 1872 he referred to the need for improving the condition of the Clerical Service and giving substantial relief to a hardworking and deserving section of the public service. He pointed out that it was not only a question of improving the position of the Clerical Servants, "some receiving scarcely more than the pay of a cooly, but of ... promoting the efficiency of the public service".¹ These remarks coming only eight years after the last revision of the service throws into relief once again, the limitations of that revision as well as the need to pay greater heed to the position of this largest single group of public servants.

The immediate occasion for this fresh review was the release of certain funds on the disbandment of the Ceylon Rifles Regiment.² A part of these funds was to be devoted to improving the condition of the Clerks. However, as in 1864, the consideration of salary scales was accompanied by a general reorganization of the service itself. Ameliorating their conditions called for a two-fold course of action: (1) An increase of existing salaries (2) Improving the prospects of promotion and advancement. The discussions during Gregory's Governorship also revolved on the second of these as the more desirable means of improving the position of the Clerks, as it had earlier. The most significant change introduced by that scheme had been the

1. Debates of the Legislative Council 1872-73 (Gregory's address opening session); C.O.54.484.32 Gregory to Kimberly 3/2/73: Encl.

2. C.O.54.487.248 Gregory to Kimberly 5/8/73: On the disbandment of the Regiment augmentations were proposed for other branches like the Police, Medical and Survey Departments.

new system of promotion.¹ But that system as already noted was not comprehensive enough. The inquiries initiated by Gregory were directed towards remedying this defect. Unlike the previous scheme, which was the product of the investigations made by a committee of inquiry, the reforms of Gregory were the outcome of three different schemes submitted separately by three senior public servants.²

The first of these schemes had been sketched out by Irving the Colonial Secretary in 1873. Irving took as his starting point a belief that -

"the main disadvantage under which the clerks of the public service of Ceylon labour is the irregularity and uncertainty of promotion. Undoubtedly the scale of pay was small and in many cases especially in that of native clerks or writers ... it called out loudly for increase; still even if the scales of pay for minor or subordinate clerkships ... were put on a reasonable footing, it is plain that no scale of pay for these appointments ... would without suitable arrangements as regards promotion ensure to deserving men adequate reward for a meritorious career ... and it is evident that it is to promotion that a clerk entering at the bottom of the service ought to look to as the means of gaining substantial advancement, and that it is by holding out a reasonable and intelligible prospect of promotion that the Government must hope to raise the standard of this branch of the public service and to convert it from what it is at present, an unsystematic and chaotic mass of isolated clerkships into a regular and organized service".³

Thus as Irving pointed out, introducing a system of regular promotions for the advancement of the Clerks was closely linked up with the task of integrating the isolated clerkships into an organized service. This idea was not entirely new. It had been more broadly outlined by the previous Committees of Inquiry.⁴ But that its views had contributed little or nothing towards the creation of such a service is evident from Irving's description

1. See chapter, Clerical Service I.

2. Irving, Colonial Secretary; Douglas, Auditor General and Birch, Colonial Secretary.

3. C.O.54.488.488 Gregory to Kimberly (No. of Despatch not given) 4/10/73: Encl. Irving Scheme (contained in that of the Auditor General's).

4. See chapter, Clerical Service I.

of the existing state of the service:

"The radical vice of the present system appears to me to be in treating even the most petty clerkships as substantive appointments and attaching a specific salary to each clerkship, according to some supposed estimate of the importance or responsibility of each. The result is that minor clerks, instead of being what they ought to be, clerks in a regular service in which they would have certain definite prospects of promotion, and in which their claim to that promotion would by the working of the system be brought under notice of the Government as vacancies might bring each man to the top of his class - are in effect holders of so many little separate offices, and their advancement depends simply on the chance of their being fortunate enough to obtain in course of time other and better appointments. This advancement they may or may not get or they may get it with greater or less rapidity. But in every case it is very much a matter of chance whether they get it at all".¹

Not merely the uncertainty of promotion but also the incoherent character of the service had indeed remained much the same as in 1865 despite the hopes expressed in that Committee's Report.² The reason was that the 1864 scheme threw open to the entire service only the highest posts in the leading offices, leaving the vast bulk of lesser clerkships in the other departments to continue their isolated existence, since interchange of officers by way of promotion among these departments was not specifically provided for. Irving's proposals marked a definite advance on the existing system particularly in this respect. He pointed out thatⁱⁿ the large offices, like the Colonial Secretary's and the Auditor General's in Colombo, promotion was "tolerably regular and may be relied on".³ But in the outstations and in the smaller establishments "the office in itself affords little or no prospect of promotion and a clerk in one of these had no advancement which he can in any sense look to as belonging to him and he depends solely on such consideration as the Central Government may give his claims".⁴ Gregory in

1. C.O.54.488 Gregory to Kimberly 4/10/73: Encl. Irving's Scheme.

2. See chapter, Clerical Service I.

3. C.O.54.488 Gregory to Kimberly 4/10/73: Encl. Irving's Scheme.

4. C.O.54.488 Kimberly to Gregory 4/10/73: Encl. Irving's Scheme.

forwarding Irving's scheme, also drew attention to the harmful effects the system had on the administration itself - "except in the large departments promotion goes by luck as often as by merit and I attribute much of the apathy and want of honesty in outstations, by which we suffer, to the absence of the incentive of certain promotion in case of desert".¹

However, there were obvious difficulties in providing an alternative to the existing system. While these might have deterred the earlier Committee from making any concrete proposals whatever, to overcome them, even Irving with all his outspoken criticism appears to have been balked by these difficulties to some extent. The first mode of remedying this unsatisfactory state of affairs and "ensuring advance of pay for length of service", said Irving, was to place all subordinate clerkships in "one great class" beginning at a uniform salary and rising to a maximum by periodical increments.² But this he rejected as being the opposite extreme of the existing system. A general scale of pay and increments for the entire service would be disadvantageous to the Clerks in the larger offices, who were already enjoying better prospects than they would under such a scale.³ Moreover, a general system of increase of salary by length of service would create a tendency for Clerks to rest content with their automatic promotion, and the incentive to exertion would be greatly diminished. Further it would be impossible to remove Clerks from one station to another if they were simply to carry their own salary with them, for under such a scheme increments would be attached to the officer and not the office. For these reasons he abandoned the idea

1. C.O.54.488. Kimberly⁸ to Gregory 4/10/73.

2. Ibid. Encl. Irving's Scheme.

3. Ibid.

of a single class of Clerks with salaries increasing by length of service. Instead he proposed a middle course which would combine a system of personal increments and promotions on merit. All junior Clerks would be designated "scribes" and placed in one class. For these he recommended increase of pay by length of service. The senior clerkships, on the other hand, would be regarded as the "Staff Appointments" of the different departments. To these Staff Appointments, the scribes if deserving would be eligible for promotion. The scribes themselves he divided into two groups. (1) Native Scribes (i.e. native writers and translators) (2) Scribes (i.e. ordinary clerks). He proposed that the Native Scribes be placed on an incremental scale of pay beginning with Rs.300/- and rising to Rs.500/- per annum by quinquennial increments of Rs.50/-. Some of the Clerks working in the Kachcheries and Courts received as little as Rs.180/- and Irving held that it was monstrous to give peons wages for such work. For the second group of Scribes he recommended a salary scale commencing at Rs.500/- and rising to Rs.1000/- p.a. by quinquennial increments of Rs.100/-. This, he observed, might not appear liberal, but as "the Clerks of the Ceylon Government enter the service at a very early age" Rs.500/- was sufficient for a native lad of 16 or 17 years, while a maximum of Rs.1000/- was not too little for a clerk who was "unable to qualify himself for any but the routine work and drudgery of an office".¹ Thus the clerk who did not develop the higher qualities needed for staff appointments would remain a scribe but "gain moderate reward for long and faithful service by progressive increase of pay, while a lad entering his department would know that, if efficient, there were certain prizes to which he might look forward ... with the same certainty that a writer in

1. C.O.54.488 Gregory to Kimberly^e: Encl. Irving's Scheme.

the Civil Service looks forward to obtain the appointment of Government Agent, District Judge etc.".¹

As the smallness and isolation of the different offices and departments was one of the chief hindrances to promotion he next proposed the creation of departments sufficiently large to afford each in itself adequate and intelligible prospects of promotion to the junior clerks, that is the Scribes and Native Scribes. For this purpose, larger departments were to be formed by amalgamating existing smaller and isolated ones.² This re-grouping would permit it be laid down that promotion should be within each of these newly constituted departments. Only if none of the scribes in a department were fit for promotion should an outsider be selected for a staff appointment.

Irving's scheme was very much more liberal to the Clerks than that introduced during the last revision of the service, particularly in one respect. The only mode of advancement for any Clerk under that scheme was by promotion, the prospects of which itself were very meagre. Failing to obtain promotion implied stagnation in the same salary perhaps to the end of his career, despite long years of service. The vast majority of the Clerks of average ability was thereby denied improvement. Irving's incremental scales for Scribes and Native Scribes was an attempt to give relief to these men.

Douglas, the Auditor General, submitted a scheme which, though largely based on Irving's, included a number of modifications. He pressed for an improvement in the scale of increments recommended by Irving for scribes "...a dole of Rs.100/- every five years only, is but a poor improvement" in

1. C.O.54.488 Gregory to Kimberly^E: Encl. Irving's Scheme.

2. Clerkships were to be grouped as follows: (1) Seven separate groups were to be formed out of the Government Agencies and Assistant Agencies of each of the seven provinces (2) All Judicial establishments were to form another department (3) All posts in the Registration Department, Prisons, Medical, Police, Colonial Stores departments etc. were to form one miscellaneous department.

the Clerks' conditions.¹ Currently, he argued, it took a Clerk eight to ten years to rise to a salary of Rs.800/- p.a. and twelve or thirteen years to rise to Rs.1000/- p.a. whereas under the quinquennial increments recommended by Irving a Clerk would reach Rs.700/- in ten years; Rs.800/- in fifteen years and Rs.1000/- in twenty five years. Therefore the Auditor General proposed that Scribes be granted triennial instead of quinquennial increments. He also objected to the designation of "scribe" being attached to junior clerks, questioning its "expediency in a country like Ceylon where such enormous value attaches to name and title ...".² He preferred to call them Clerks. The most important point on which he differed from Irving, however was in regard to the formation of the new and larger departments for purposes of promotion. The proposal that promotion should be strictly within such units would, he believed, necessarily restrict the chances of promotion of other clerks outside them.³ He therefore urged that Irving's proposal might be "tacitly accepted as an unwritten and general principle" but should not be laid down as a hard and fast rule which would tend to check promotions.

The Auditor General also went much further than Irving in elaborating a concrete plan for exercising centralized control over promotions. Without it all the recommendations for regularizing promotions, however well intended,

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1. C.O.54.488 Gregory to Kimberly^e 4/10/73: Encl. Douglas' Scheme.
 2. Ibid. This comparison seem to be unfair, for it overestimated the prospects of advancement under the existing system, according to which a clerk could gain an increase of pay solely by promotion, thus restricting increments to those who obtained promotion. Under Irving's scheme every clerk, irrespective of promotion was certain of an increase as a matter of course according to the length of service.
 3. In the course of recent changes in certain departments the following inter departmental transfers had been made. Three clerks had been promoted from the Audit Office to the Colonial Office, the Awissawella Courts and the Colonial Store. Two had been promoted from the Secretariat and the Public Works Department to the Audit Office; two from the Education Department and the Service Tenures Department to the Kandy Courts; one from the Post Office Kandy to the Nuwara Eliya Courts. Under Irving's scheme such movements would not be possible.

were bound to remain imperfect. The existing system was unsatisfactory not only because of the stagnation which the clerks individually had to suffer owing to meagre prospects of promotion. It was also anomalous and iniquitous in that promotion, so far as it went, did not always benefit the most deserving man owing to the absence of a central authority to systematically decide the relative merits of the claimants. Irving too had referred to this shortcoming. He had pointed out that prior to his arrival in the Island there had been no attempt to weigh claims. However he had endeavoured to secure some attention to the need for doing so by requiring the Head of Department reporting vacancies, to submit a schedule showing the length of service of each applicant. But obviously any such control by him as Colonial Secretary "must be very imperfect".¹ Unless the claims of seniority and service of each clerk ~~was~~ "brought^{up} by the operation of the system in regular rotation" it was "impossible to deal fairly with them or to prevent cases of injustice to individuals".² Governor Gregory in referring to this same aspect hinted at some of the implications of attempting to change the existing procedure.³

"The Establishments of the Agencies, the Assistant Agencies, the District and Minor Courts and other offices throughout the Island constituted so many isolated and independent petty Departments, the vacancies in which were filled up on the recommendation of the Head of the Department in which they occurred. Heads of Departments were naturally anxious that promotion caused by vacancies should benefit the members of their own Departments, and further they were as a rule, necessarily ignorant of the claims of Officers in other Departments. ... the irregularity and injustice and hardship which in too many cases undoubtedly resulted from this absence of system"

needed no description.⁴ Thus "promotion was a lottery and nothing was certain except that the claims of many deserving officers would be certainly

1. C.O.54.488 Gregory to Kimberly^e: Encl. Irving's Scheme.

2. Ibid.

3. C.O.54.496⁶² Gregory to Carnarvon of 2/3/75.

4. Ibid.

overlooked".¹ As Gregory implied, the unfairness regarding promotion flowed from the fact that the Heads of regional offices as against the Central Government controlled this patronage.² A proper system of promotion therefore presupposed not merely the amalgamation of the different offices into larger groups to enable the movement of clerks from one office to another, but also, and perhaps more particularly, a drastic curtailment of the powers and discretion exercised by these regional Heads over promotions, and vesting them in a unified authority at the centre. Any proposal in this direction, it should be noted, would also render the subordinate officers less dependent on the personal inclinations and dispositions of their immediate superiors in regard to promotions. In a service where hitherto such personal factors had counted for much, any changes as those intended by the Auditor General could also affect the general relationship in which the subordinates in the regional offices stood to their immediate superiors.³ The Auditor General proposed that each Head of Department should send the Colonial Secretary, the name of any officer in his department who might have "long and meritorious service insufficiently requited and of exceptional capabilities" and a register of these names should be kept.⁴ He himself appears, however, to have been conscious of the implications of this step, in so far as it impinged on the discretion hitherto enjoyed by the Heads of Departments.

"It is by no means intended to weaken the responsibility of Heads of Departments or the consideration given to their recommendation as to filling up vacancies under them, but merely to provide that when there is no one in the department eligible for a vacancy the outsider possessing the strongest claims ... should be sure of having the claims duly considered".⁵

1. C.O.54.496.62 Gregory to Carnarvon 2/3/75.

2. C.O.54.488 Gregory to Kimberly: Encl. Irving's and Douglas' Schemes.

3. See p.

4. C.O.54.488 Gregory to Kimberly: Encl. Douglas' Scheme.

5. Ibid.

The proposals of Irving and Douglas were both further modified by Birch, the new Colonial Secretary, who succeeded Irving. While the Auditor General had been inclined to be even more generous to the Clerks, on the whole than Irving, Birch's modifications were in the direction of greater restraint. The cost entailed by the concessions appears to have been the chief consideration in Birch's proposals.¹ He pointed out that Douglas had not laid sufficient stress on the great differences between the Sinhalese and Tamil districts, in recommending the same rates of pay for clerks of both areas. It was desirable to consider the Northern and Eastern provinces which formed the Tamil areas and the other provinces which were the Sinhalese areas separately. Good clerks, with similar education and capacity as in the other areas, could be obtained and satisfied with much lower rates of pay in the Tamil districts where living was decidedly cheaper.² He accordingly recommended lower salaries for clerks in the latter districts.

Birch was also averse to the system of increments recommended for junior clerks. He advanced the conventional argument against them. It was necessary to hold out every inducement and encouragement to good workers. But this could be done by a system of promotions, as "the certainty of a given income after a certain service, so long as they do not grossly abuse the position, will cause a strong tendency to apathy and indifference".³ It would also hold out inducements to persons not desirable to be retained in the service to remain in the service. Most of all there was the financial

1. C.O.54.488 Gregory to Kimberly: Encl. Birch's Scheme.

2. Currently, for instance a native writer in the District Court of Colombo or Kandy received Rs.400/- while in the District Court of Jaffna and Trincomalee he received Rs.250/- and Rs.150/- p.a. If all these Officers were placed within the same scale (i.e. Rs.300/- to 500/-) as proposed by Irving and Douglas, what was a fair rate of pay for the Western and Central Provinces would be excessive for the Northern and Eastern Provinces.

3. C.O.54.496.62 Gregory to Carnarvon 2/3/75: Encl. Birch's Scheme, Sept.1874.

aspect. He asked whether sufficient allowance had been made for the eventual increase of expenditure that would be involved. Incremental scales had been abandoned in the Civil Service, when the number of officers involved was far less. At first he had believed that a large additional expenditure would not be required as the numbers in the department might be reduced largely if more competent men could be recruited, by offering better terms.¹ But on inquiry it had been shown that similar expectations of reduced expenditure entertained in introducing the previous scheme of reforms had not been fulfilled. In nearly every instance, after an initial reduction in numbers, additional clerks had been allowed on some pretext or other. Accordingly Birch reverted to the principle of promotion as the sole means of advancement in the service, abandoning Irving's system of increments for junior clerks. Subject to these modifications he adhered broadly to the division of the service into three classes as recommended by the former for purposes of promotion. The first class of Native writers and translators were thus to receive Rs.350/- p.a. in Sinhalese areas and Rs.250/- p.a. in the Tamil areas. The second class of junior clerks were to receive Rs.600/- p.a. in Sinhalese and Rs.400/- in Tamil areas. The third class was to consist of those receiving over Rs.600/-.

A new feature in Birch's scheme was the important part that examinations were to play in the service. All recruitment to the second class was to be by competitive examinations to be conducted half-yearly at the chief centres in each Province. It was to be open to all possessing a certificate of character and respectability obtained through the Government Agent of the province. The candidates were to be between the ages of seventeen and twenty-two years. The number of vacancies was to be advertised and the candidates

1. C.O.54.496.62 Gregory to Carnarvon 2/3/75: Encl. Birch's Scheme.

obtaining the largest number of marks should be eligible in rotation to fill the vacancies. Those selected were to be eligible for promotion to the higher classes of appointments but would be amply paid at the rates mentioned above, even if they failed to obtain promotion.¹ Birch did not recommend examinations for recruitment to the first class. A certificate of a competent knowledge for performing the duties required and of character and respectability were to suffice. Those in the first class were to be permitted to sit for the examination for admission to the second class even if they were above the upper age limit, though not in open competition with the other candidates.

The final scheme approved by Gregory was embodied in his minute of 24th December, 1874. It incorporated ideas taken from all three schemes, but drew mostly from that of Birch.² The grading of the service into three classes instead of the existing seventeen and the principle of amalgamating groups of offices into larger departments for purposes of promotion were accepted.³ However, Gregory adopted a somewhat different system of grouping offices than those proposed. The establishments were grouped together on a more strictly functional and provincial basis than originally intended by Irving. Promotion as a rule was to be within these departments, although a Head of a Department might recommend an outsider according to the interests of the public service. Recruitment without examinations for the first class and on the basis of examinations for the second class on the lines recommended by

1. C.O.54.496.62 Gregory to Carnarvon 2/3/75: Encl. Birch's Scheme.

2. Ibid. Gregory's Minute.

3. The three classes were to be as follows: (i) Native Writers, Translators and other Officers drawing less than Rs.500/- in the North and Eastern Provinces and Rs.600/- p.a. in other provinces. (ii) Officers other than those in class II but not drawing over Rs.600/-. (iii) Those drawing over Rs.600/- p.a.

Birch was accepted with some modification. There was, however, some disagreement between Gregory and Birch on the question of competitive examinations. The Colonial Office itself had misgivings regarding them which were based mainly on the Indian experience in this respect. The Secretary of State accordingly asked Gregory to explain how the system of competitive examinations would be worked as he was not qualified to pronounce an opinion with the present information. "I apprehend that as applied to the Clerical branch ... competitive examinations do not exist in India and that the general impression is that it is an alteration of system to be at all events watched carefully in its operation".¹ Gregory in reply clarified the system which he eventually adopted.² He was averse to competitive examinations for the Clerical service, himself.

"Mr. Birch, it is true was in favour of the competitive system, but I was unable to concur in his recommendation, being of opinion that the system was not adapted to the circumstances of the Colony or to the exigencies of the public service. The examination is therefore qualifying only. Candidates are required to reach a certain fixed standard and those who have passed this test are appointed to such posts as their proficiency in the various subjects included in the examination may have shown them to be specially suited for".³

The Minute further laid down that the appointments in the third class (i.e. all clerks carrying salaries over Rs.600/- p.a.) would be filled by promotion of members of that class and that vacancies thus caused would be filled by promotion from the second class.

Douglas's proposal for introducing a measure of central direction in regard to promotions was also embodied in the Minute. The Heads of Departments were to send half yearly reports of officers in the second and third

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1. C.O.54.496.117 Carnarvon to Gregory 24/5/75.
 2. C.O.54.497.176 Gregory to Carnarvon 25/6/75.
 3. Ibid.

classes serving under them, and the Governor was to make all appointments in the third class.

It is evident that on both occasions when the reorganization of the Clerical Service was under consideration, and particularly during the second, the two leading issues which emerged most prominently were, the need for a systematic basis for determining promotions and the mode of recruitment through examinations. As already pointed^{out}, they partly reflected a need to regularise and equalise opportunities for educated natives in the service. The increased emphasis on education, merit and ability in the new changes, thus corresponded to and even intensified the general trends of educational and social change taking place in the country, in so far as they weakened the importance traditionally attached to such factors as birth, family and influence, while enhancing that attaching to education, especially English education.¹ Although even under the new set up such traditional qualifications could still sometimes go a long way in preferment in the Clerical Service, education could make up for their absence, at least, in some measure. At the same time the new changes further stimulated native lads, who under other circumstances would have continued their conventional occupations, like agriculture, to turn to Government service as a means of livelihood. Thus while it is true that the Government played the leading part in initiating the reforms, it is evident that in a sense it was also responding to the needs and desires of the educated natives themselves. The favourable response of the natives to the changes as well as the points of criticism made by them against the scheme, as expressed in the local press, illustrates this to some extent.

1. See chapter on Education.

The new regulations came into operation from 1875.¹ The first examination for recruitment under them was held in that year and from then on these examinations became a regular half-yearly event in the island. Although they fell short of competitive examinations it should be emphasised that this was the first time that examinations in any general way came to be used as a basis for recruitment to the service, the broad observations of the Committee of 1863 having remained a dead letter.

The general approval of the new system of public examinations, expressed in the press, is in contrast to the objections raised against the competitive system in the Civil Service which was represented as being inimical to native interests.² In the latter case the educated natives were apprehensive of competition from better educated English candidates. In the Clerical Service all candidates being natives, there was no such possibility. Nevertheless it was in the latter case that both the home and local authorities showed themselves reluctant to introduce an entirely competitive system. Although the reasons for this have not been explicitly stated, it is possible that the local Government might have refrained from doing so, as it was not ready to ignore completely considerations other than educational attainments in making selections. It should be recalled, that one of the arguments put forward by certain senior European Officers who opposed the introduction of competitive examinations for recruitment even to the Civil Service, was that, while examinations, competitive or otherwise, might be applicable to the English candidates, in the recruitment of natives other considerations than mere educational attainments deserved consideration.³ That argument fits

1. C.O.54.497.176 Gregory to Carnarvon 25/6/75.

2. See chapter on Civil Service pp.

3. See chapter on Civil Service pp.

the Clerical Service more completely than the Civil Service, the entirety of the former being recruited from natives. Whatever might have been the factors which motivated the Government, it could be said, judging from the generally favourable reaction of the natives as reflected in the press, that perhaps there might not have been any strong opposition from them, even to a competitive examination for recruitment to the Clerical Service. With the expanding educational facilities in Ceylon, it is not surprising that broadly the educated natives would be increasingly inclined to look with favour on modes of recruitment where educational attainments were given preference over other requirements. An attitude not entirely dissimilar to that which actuated young educated Englishmen in the Civil Service, like J. F. Dickson, to urge the introduction of a single competitive examination for that service in place of the double standard of selection existing in the sixties, could, not unreasonably, be expected to gain increasing acceptance among the educated natives where recruitment to the Clerical Service was concerned. Some comments on the new scheme published in the press indicate their attitude. Thus one reader of the Examiner welcoming the examination pointed out that they had aroused "a spirit of competition" among the natives and had "plucked out of the hands of the influential community the power they wielded to secure any office to their own men".¹ Another wrote that for the educated natives who were increasing daily, the new proposals would be a fairer means of admission. In the past, admission to the service was often secured by serving on probation as Volunteers in an office, such Volunteers being dependent on the good will and influence of some senior Clerk or Officer for confirmation in a post. Periodical examinations had eliminated this prac-

1. Overland Examiner 30/1/78.

tice and had made young men's prospects better, he added.¹ Even certain criticisms of the scheme were directed at urging the Government to go further in the direction it had.² One correspondent proposed that the examinations be made competitive as the existing system was open to abuse. Although a list of those who passed the examination was submitted to the Heads of Departments so that selections could be made for vacancies, the Heads did not make their selections independently as the candidates were unknown to them, and the opinion of the subordinates was obtained. Thus, "a cousin of this Clerk or a nephew of that Mudaliyar is selected ... while the son of a poor farmer who by dint of perseverance obtained a pass has to yawn and gape till those with respectable connections had all been provided with situations".³ He urged the Government to make the selections according to the order of merit shown in the list.

One important change introduced by the reforms had been to withdraw the discretion of the regional Heads of Department's regarding promotions and to vest them in a centralized authority. Thus the Principal Assistant Colonial Secretary came to be the "patronage secretary". Consequently the numerous complaints of injustice and irregularity in regard to promotions directed against the regional Heads of Departments in the past seem to have dwindled considerably. The columns of the press which formerly had been

1. Overland Examiner 17/7/77; 13/4/77.

2. Ibid. One writer criticised the Assistant Government Agent of Badulla for entrusting the supervision of the examination to a petty officer who had managed it in a loose manner (13/4/81). Strict adherence to merit and seniority in promotion, as against influence, were urged at times, though complaints were less frequent than earlier. Whether promotions should take place within the provincial departments constituted under the latest regulations or whether the field of promotion should be further widened to go beyond the provincial units was also a topic of discussion (Cf. Examiner 22/6/75; 7/2/76; 10/5/75; 10/10/77; 7/5/78).

3. Overland Examiner 13/7/80.

full of such complaints became comparatively free from them after the reforms¹

The general trend of the new reforms together with the developments in education could be said to have been towards enabling those with educational attainments to obtain a fairer chance of entering the service. Among the natives as a whole this implied the possibility of official elevation even for the less privileged among them, provided they could educate themselves. The son of the poor farmer was staking a claim to the same post as the Mudaliyar's nephew. At the same time, however, another re-adjustment was taking place in the relative positions of the different native communities in the public service. It has been seen that the Burghers had practically monopolised the Clerical Service during the early British days. This position had begun to change with the diffusion of education among the rest of the natives, the Tamils and the Sinhalese. The new system of recruitment and promotion was bound to benefit the latter even further. Thus, for instance, in the new examination for recruitment to the Clerical Service English and Arithmetic were compulsory subjects while Sinhalese and Tamil were optional. As the marks for Sinhalese and Tamil were also included in the total, this was considered by the Burghers to be unfair to them. A Burgher reader complained in the Examiner that this regulation was "making a clear path" for the Sinhalese and Tamils to pass the examination easily, for unlike the Burghers, the former, in addition to English knew these languages as well.² The writer urged that the marks for Sinhalese and Tamil

1. On the other hand the patronage secretary who was now responsible for promotions became the target of criticism on one occasion, and the Examiner called for a public inquiry into certain appointments made at the "mere caprice" of this Officer. It was alleged that the Head Clerks of the Supreme Court and two other Clerks of Kandy and Puttalam who had formerly been his subordinates had been given undue preference by the Officer. (Ex. 14/2/77).

2. Overland Examiner 10/5/76.

should not be taken into account.

About this time the question of finding avenues of employment for educated young men particularly in Government service received considerable attention in the Examiner. A series of articles entitled "Yonng Ceylon" appeared in the paper. The position of the Burghers came in for special attention in them and they indicate the apprehensions of the Burghers on account of the competition they were beginning to face from the rest of the community. About the time of the introduction of the reforms in the Clerical Service, the paper editorially commented on the subject.¹ "What are we to do with the rising generation of Burghers", a question over which the Examiner had

"long and seriously pondered We see around us the most decided and steady increase in the numbers of our Burgher countrymen, but for a corresponding augmentation in the means of earning their daily bread we look in vain. Those times when the legal and clerical profession were entirely nonopolised by them, we do not grieve to say, are past, and a keen and healthy competition between the Burghers and the Singhalese and the Tamils for the highest offices ... has arisen in their stead. The general public are no doubt the gainers by the competition and though the Singhalese or the Tamils may not be much affected by an unsuccessful issue in the struggle, it is to the Burghers almost a matter of life and death. The paternal possessions of the Singhalese and Tamils afford them abundant and sufficiently lucrative employment to make up for any failure ... in the endeavour to supplement that income by a pittance from the public exchequer. But with the Burghers, who in nine cases out of ten has nothing to look forward to but the salary attached to his employment, failure only means unmitigated penury".²

Again discussing the difficulties in the way of diverting young men to agriculture, the Examiner said that thinking that the smattering of Latin and the little knowledge of English gained at school should be turned to some account they looked to the Law, Medicine or the Clerical Service, the last of which was "the most popular and the most crowded".³ Here too the competi-

1. Overland Examiner 8/7/75.

2. Ibid.

3. Ibid. 29/7/78.

tion was so "enormously increasing" that they resorted to Merchants' offices. Posts which were "once worth Rs.100/- p.m. are gladly accepted for half that value; so great is the competition". The merchants preferred the Sinhalese youth whose wants were few and who by dint of perseverance succeeded in gaining a knowledge of English, Arithmetic, Accounts etc. and "wants only Rs.30/- for the place that was worth Rs.60/- and who besides is willing to work from eight in the morning till six in the evening, to Burgher youths" who not only wanted the full salary but an increase and came late and left office early.¹ The remedy for this yearning for office jobs, the Examiner said, was for Burghers to turn to agriculture and manual labour. But the Burghers unlike the Sinhalese did not have the lands or the means for doing so.

Reviewing an article by Digby in the Calcutta Review, the Examiner wrote: "The Eurasians as a leavening element in our population can only affect the masses of the purely native population: and this the Burghers of Ceylon have done to a very great extent. But it is a question whether that element is at work at the present moment to nearly the same extent as was twenty or even ten years ago ...".² However much the educated Sinhalese or Tamils would desire to see "the Burghers exercise the wholesome influence they have hitherto done, the Burghers themselves have lost to a very considerable extent the opportunities which their forefathers had enjoyed, as occupying the middle position between the purely European and purely native sections of the community. The advantages of education which were all but monopolized by the Burghers of the past generation are now shared in an equal degree by the natives Places that were exclusively filled by

1. Overland Examiner 29/7/78.

2. Calcutta Review, January 1877; Overland Examiner 14/2/77; 27/2/79.

Burghers twenty or thirty years ago are now open to Singhalese and Tamils alike ...".¹ The part which the philanthropic Chief Justice, Sir Alexander Johnstone had desiderated for the Burghers "has been nearly played out and his mission of raising the native to his own level has ceased in the presence of a largely increased number of educated natives ...".² The influence of the Burghers must necessarily diminish in proportion to the spread of education among the masses, the paper admitted.

While the Burghers were beginning to express such apprehensions concerning their position in the public service, murmurs of dissatisfaction were not entirely absent in the ranks of the Sinhalese and Tamils. They complainingly pointed out in turn how their own respective communities were unfairly relegated to an inferior position in the public service by the others. Discussing the position of the Sinhalese in the Civil Service, a correspondent wrote "The social edifice ... has been constructed in this order: Europeans first, Burghers second, Tamils third and the native Singhalese last".³ A Tamil reader complained that though they were more industrious than the others not a single Tamil occupied a position of prominence. "Wherever we turn we see the English, Burghers and Singhalese occupying positions of eminence".⁴ The Examiner editorially observed that it was wrong to argue from the paucity of any one class at any particular moment, a partiality on the part of the Government for the others.⁵ If any should complain it was the Tamils and

1. Overland Examiner 14/2/77.

2. Ibid.

3. Ibid. 6/6/76.

4. Ibid. 5/8/71.

5. Ibid. 6/6/76.

the larger number of Burghers in the Civil Service was not disproportionate to their larger intelligence. However, it was the Burghers who were losing ground, whereas the Sinhalese and Tamils were finding increasing opportunities opening up for them in the public service. It would also be rash to suppose that all this implied any bitter or acute communal conflict. Nevertheless, the readjustment in the relative positions of these communities going on in the Clerical and other services tended to assume communal undertones. Perhaps weak and incoherent at the time they could be potentially unwholesome, to a greater extent.

After the reforms of 1875 no further change was contemplated in the Clerical Service till 1881. In that year a suggestion was made by the Secretary of State which focussed the Government's attention upon a new aspect which had not received direct attention in any of the earlier discussions. The system of promotions, to be sure, had been the chief issue dealt with during previous revisions. But those discussions had centred on the question of devising a more equitable mode of granting promotions. The salaries attached to the highest posts to which Clerks could rise by such promotion, and the number of such posts had remained practically unaltered. This question was opened by the Secretary of State as a sequel to the decision of the local Government to terminate the practice of holding the Civil Service Examination in Ceylon.¹ As already discussed elsewhere that decision underlined the practical exclusion of natives from that service resulting from the regulations of 1870. The Secretary of State asked the Governor to devise some alternative means of mitigating the effects of this. He suggested that a

1. C.O.54.531 Longden to Kimberly 8/2/81.

few appointments with salaries ranging up to Rs.6000/- p.a. be added to the lower branch of the Civil Service (i.e. the Clerical Service) for persons born and educated in Ceylon. Longden's Governorship was not marked by any particular sympathy for the Ceylonese in such matters unlike Gregory's. Besides, far from any readiness to add any new and better paid posts to the Clerical Service, there had been a tendency sometimes on the part of the Government to withdraw such posts from the Clerical Service or to substitute European Officers for them.¹ However, steps in this direction were always resisted by the Clerks, even when the need for such action arose from the Clerks abusing the functions attached to such posts. The value attached to these few better paid appointments by the Clerks could be judged from the opposition to one such proposal of the Government. A proposal was made by the Government in 1880 to appoint an European Office Assistant to the Queen's Advocate, carrying a salary of Rs.4500/- p.a. This was to be accompanied by the suppression of the Head Clerkship and the second Clerkship of the Queen's Advocate's Office, as the bulk of the work to be entrusted to the new Officer had hitherto been carried on by these Clerks. The general resentment of the Clerks against withdrawing such posts from their reach found expression in a resolution moved in the Legislative Council by Ramanathan the Tamil member of the Council. His motion was, he said, in the "interests of the Clerical Service", as the two Clerkships were to be suppressed and in lieu, an Office Assistant was to be appointed. Although he had nothing against departmental arrangements, "... when there are vested interests and when special promises have been held out by Government, the Government ought to be loathe to

1. Debates of the Legislative Council 1880 - pp. 106-107; Overland Observer 22/1/73.

accede", to reforms in departments without special reasons.¹ Ramanathan was having in mind the reforms introduced by Gregory in the Clerical Service which threw open these better paid Clerkships to the entire Clerical Service, by facilitating promotion. It should be noted that in view of these reforms it was ^{not} merely the current holders of the posts who were affected but the entire service. The opposition of the Civil Servants to the withdrawal of the senior Judicial appointments from that service, for recruitment from Lawyers, bears a close resemblance to the apprehensions of the Clerks. The entire service, in each case, naturally looked upon the few prizes available to each with covetous eyes. In both cases, also, the changes though contemplated on the grounds of administrative necessity involved the interests of the natives regarding public employment. Ramanathan said: "The Officers of the Clerical Service are generally very deserving men. The Government had done very little to add to their emoluments, though it has been very free towards the higher departments and the ... Civil Service ... It has given the members of that service, men comparatively speaking, rolling in wealth, twenty per cent in addition to their salaries, whereas it has done nothing to ameliorate the Clerical Service, which really required help ... Now it appears one of the few prizes set apart for them is to be taken away from their grasp and given to an outsider."² He asked whether an effort had been made to fill the post of Office Assistant from the Clerical Service. If a member of the Clerical Service suitable for the post could be found it was nothing but fair that an outsider should not be appointed. Commenting

1. Debates of the Legislative Council 1 880 - pp. 106-107.

2. Ibid. p. 106, Ramanathan's speech.

on the rumour that a very junior member of the Bar who happened to be a European was to be appointed he said, "there are other persons in the Bar, not Europeans, who had been very useful to Government in filling appointments as Deputy Queen's Advocate and District Judges.¹ But they had not been considered for the post. "It smacks of favouritism", he declared. The resolution was seconded by Van Langenburg, the Burgher member who urged that even if an Office Assistant to the Queen's Advocate was appointed it should not be at the expense of the Clerkship under discussion. That was a prize looked up to by Clerks as a reward for merit and service. He could testify to the large number of Clerks who could satisfactorily acquit themselves of the office.² The Queen's Advocate defended the Government's proposal on administrative grounds: it was the centralization of his department in Colombo which necessitated the appointment of an Office Assistant.³ He stressed that the Chief Clerkship would continue and that only the second Clerkship was to be abolished. He urged that vested interests should not be pressed to an extremity or allowed to take precedence over the public interest. There the matter rested; but the incident had revealed once again how deep was the resentment felt by the Clerical Service when any of the few prizes open to them were threatened.

The sharpness of the conflict over the Office Assistantship was doubtless one reason why Longden so stubbornly resisted the suggestion made by the Secretary of State to make available to Clerks a few more better paid

1. Debates of the Legislative Council 1880 - p.106, Ramanathan's speech.

2. Ibid. Van Langenburg's speech.

3. Ibid.

posts. He asserted that the existing openings available to natives were quite adequate in the Clerical Service as well as in other branches of the public service.¹ A Memorial by the Auditor General on the subject formed the basis of his lengthy despatch, to the Secretary of State. The Auditor General pointed out that the salaries of the Clerical Service varied from "a very small figure upwards to the prizes of the more important Clerkships ... the emoluments of which are Rs.3000/- p.a.". The Clerical Service possessed "a valuable special prize in the post of Assistant Auditor General which enjoys a salary of Rs.4000/- p.a. and ranks in the fifth class of the Civil Service".² It was "always conferred upon a clerk of special merit and good service".³ There were about 1300 Clerkships held exclusively by the Burghers, Sinhalese and Tamils. He was averse to the Secretary of State's suggestion to make available any more new and better paid appointments to the Clerks. However, in addition to the existing Chief Clerkships and the Assistant Auditor Generalship "if further encouragement is desired for this branch it would not be difficult to raise the salary of the Chief Clerkships of the Secretariat, possibly the most important office in the whole class ... I think it is in this shape that the encouragement should be offered rather than by the creation of new offices".⁴ He further explicitly ruled out the possibility of any of the posts currently held by Civil Servants being made accessible to Clerks for the training acquired in the Clerical Service was

1. C.O.54.531 Dongden to Kimberley: Confidential despatch of 8/2/81.

2. Ibid. Encl. Auditor General's Memorandum 21/1/81.

3. Ibid.

4. Ibid.

such that "its seniors would hardly be fitted for the duties of the Assistant Agencies and Magistracies of which the Junior Class of the Civil Service are made up".¹

Although seemingly the Auditor General was stressing the obvious in contrasting the training of a Clerk and a Civil Servant broadly, there appears to have been a reason for doing so. For though the training of the Clerks as a whole stood no comparison with that of Civil Servants, some Senior Clerks were in fact holding important posts like that of Assistant Auditor General, which ranked in the fifth class of the Civil Service, as pointed out by the Auditor General himself.² Swan, a Clerk, was known to have risen to the post of Assistant Principal Colonial Secretary in very recent times. The Secretary of State's proposal for making available to Clerks even a few posts with salaries as high as Rs.6000/- p.a., well within the rates paid to Civil Servants, implied in effect the transfers of some of the offices and functions hitherto entrusted to the latter, unless of course the Clerks were to be paid absurdly high salaries for performing their existing functions. In fact the Secretary of State had not raised the question of the relationship between the Clerical and Civil Services. It is significant that it was immediately raised by the Auditor General, who actually was not averse to increasing even further the existing salaries of the highest paid Clerks. What he was firmly opposed to was the "creation of new offices" for these Clerks, to throwing open posts in the Civil Service to them. Such

1. C.O.54.531 Longden to Kimberley: Confidential despatch of 8/2/81: Encl. Auditor General's Memo of 21/1/81.

2. Post offices were sometimes left in charge of Clerks. Robinson appointed De Vos, who appears to have been a Clerk, to be Deputy Postmaster General of Galle, while the Kandy post office was left in charge of the Head Clerk Ferdinands (C.O.54.413.113 Robinson to Cardwell 27/6/66).

steps though improving the prospects of the Clerical Service, involved a corresponding diminution in those of the Civil Service. It has already been seen how the claims of even native Lawyers to certain other appointments in the Civil Service had created resentment among the members of that service. Thus the Secretary of State's proposal was bound to create similar or even greater resentment especially because the boundaries demarcating the lower grades of the Civil Service and the highest grades of the Clerical Service were sometimes mischievously close to each other. Nevertheless it had, if indirectly, for the first time raised the entirely new question of the feasibility of promoting Clerical Servants to the Civil Service.

There was another factor which appears to have influenced the local authorities in their reluctance to accept the suggestions of the Secretary of State. The Auditor General, discussing at length as to whom any such concessions should go asserted that,

"the European element should be at the outset eliminated from any proposed improvements. There is ... a most essential difference between the Colonies of Ceylon and Mauritius in this matter. In Mauritius there is a large European population which has for generations been resident in the island and who though they habitually, if they can, send their sons to finish their education in France or England, do so in the intention that those sons shall return and may settle in what is regarded as the home of the family. To such an extent is the contrary the case in Ceylon that there was little practical exaggeration in the remark ... recently made by a new comer to the island, that it appeared that every Englishman in the place lived with the portmanteau packed ready to go home at the shortest notice. I fail to see any reason for treating mere sojourners in the land specially and think that they should compete with other Europeans on the same terms".¹

Thus in the ^{view} ~~crew~~ of the Auditor General any concessions, if at all, should be intended to benefit the natives of the island.

1. C.O. 54 531. Longden to Kimberley. Confidential Despatch. 8/2/81. Encl:
Auditor General's Memo, of 21/1/81. *Auditor*

The Governor (reiterating the arguments of the Auditor General) pointed out to Lord Kimberley that so far as the natives were concerned, the existing prospects in the Clerical Service were quite adequate. "There is no doubt some shortcoming in the scheme in the fact that whereas the number of Clerkships is about thirteen hundred there are only thirteen to which salaries exceeding Rs.2500/- p.a. are attached, some of the thirteen are paid at the rate of Rs.3000/- p.a. and the highest prize is the Assistant Auditor Generalship".¹ But justifying this position he urged that,

"on the other hand, it is to be borne in mind that the great majority of the young men who enter the Clerical Service have no reasonable expectation of attaining in any other walk of life any higher pay than those offered in the service and that even upon the present terms admission into the service is eagerly sought and therefore it seems that it would scarcely be just to the public service to incur the expense of creating additional and more highly paid offices merely for the sake of offering some additional prizes to the services".²

Here for the moment the argument ended, for Kimberley did not press his proposals in the face of opposition in Ceylon. But the issue was not really closed, for though it was generally true of the vast majority of the moderately educated lads who aspired to Clerical employment that the rewards were adequate, the need to offer further prospects in the highest grades of the service remained. The spread of education and the growth of governmental activity made the problem a perennial one.³

The discussions about pay scales and promotions of the Clerical Service had been long and varied. One issue, the need to secure honest and able service had led some to argue openly that such service could only be secured

1. C.O.54. Longden to Kimberley. Confid. of 8/2/81.

2. Ibid.

3. The issue was in fact re-opened as early as 1883 in the retrenchment discussions involving the Civil Service.

by better pay and prospects. Others argued that the native Clerks were inferior in training and that no more senior posts could be entrusted to them, hinting at what Indian Civil Servants said more openly, that honesty could only be secured from the Clerks by maintaining the supervisory force of Europeans at full strength. It is necessary to turn now to a consideration of the problem of maintaining honesty and willing co-operation in the large body of Clerical Servants. Their position was an anomalous one, for unlike the Headmen, they did not occupy a traditional position in society or enjoy an assured hereditary status. They occupied a no-man's land between native society and the European administration. Most of them, it is true, occupied humble positions and performed routine Clerical duties. But they were a very numerous body and those in the highest grades were often in practice entrusted with large responsibilities. Had the barriers, financial and social, between the Clerical and Civil Services been lowered it might have been possible for the Clerks to identify themselves with the Civil Service and accept their standards. But as has been seen, the latter service was quite unwilling to see those barriers lowered. To a large extent, therefore, it was necessary, by close European supervision, to impose standards which remained foreign.

Proper supervision was however difficult. The number of Civil Servants itself was limited, while the amount of work they were called upon to perform and the number of minor officers on whom they had to rely in doing their duties was excessive. The intimate acquaintance with the minutæ of the Government offices which many Clerks possessed made such supervision extremely difficult unless the superiors were vigilant and efficient. As a result

an increasing number of abuses and frauds occurred in Government offices. Many dismissals followed upon their discovery and the problem of discipline became a subject of controversy between the home and local authorities. The matter merged naturally into the wider discussion about the position of the Clerical Service.¹

The Judicial institutions of the island were particularly open to various forms of abuses and malpractices on the part of the Clerks. The Magistrates or Judges being generally burdened with their purely judicial duties, tended to leave the general administrative business of the Courts to their Chief Clerks and Secretaries. This necessitated greater vigilance over the subordinates of the Judicial institutions than was necessary in the case of the Revenue offices. In fact however, the officers presiding over the Minor Courts generally tended to be of even a lesser calibre than those attached to the Revenue departments. Young and inexperienced Civil Servants were appointed especially to the Minor Courts during the initial periods after recruitment. Moreover, the abler men turned to the Revenue appointments where the prospects of promotion were better than in the Judicial branch.² The greater incidence of frauds and abuses on the part of the Clerks in the Courts was thus to some extent a reflection of this general inefficiency of the Judicial administration of the island.

Further, the Chief Clerks and even the so called Secretaries of the Courts were paid no better salaries than those paid to other Clerks despite the responsibilities which devolved on them. It was only in the Supreme

1. During Gregory's Governorship at least three Secretaries and Chief Clerks of District Courts were dismissed.

2. See chapter III

Court that Registrars and Assistant Registrars, who performed functions and duties corresponding to those of the Secretaries and Head Clerks of the Minor Courts, were recruited from a better class of men and paid higher salaries. There had been an inclination at the beginning to appoint men from the Clerical grades to the Registrarships even of the Supreme Court. But this practice was abandoned later on. In 1864 a sub-committee of the Legislative Council had suggested that the Deputy Registrarship of that Court should be regarded as a "fitting reward for deserving secretaries of District Courts", who of course were themselves selected from among Clerks.¹ Governor Robinson however disregarded this and selected a proctor, Conderlag, the son of an "old and valued" public servant for the post.² Similarly in urging the need for creating a second Deputy Registrarship at the Supreme Court, the Chief Justice drew attention to the same subject in a letter of 19th July, 1866.³ Owing to the increased business of the Courts, he said that at times one of the Clerks was temporarily sworn in as a Deputy Registrar. But this was not satisfactory he complained as the person appointed should not only be intelligent and reliable but also above the temptation of bribery and other influences.⁴ The recommendation was accepted and to the newly created post the Governor appointed Christoffelz, a Burgher Advocate of the Supreme Court who had graduated at the University of Cambridge.

It might have seemed that if honest performance of duty was anywhere to be expected or secured it would be in the Supreme Court, at the heart of the administration. Yet while Government there was at pains to exclude Clerks

1. C.O.54.414.179 Robinson to Carnarvon 26/8/66.

2. Ibid.

3. C.O.54.414.182 Robinson to Carnarvon 26/8/66: Encl.Memo.of Chief Justice to Robinson 19/7/66.

4. C.O.54.414.182 Robinson to Carnarvon 26/8/66.

from offices of trust, in the outstations no such precaution was taken. In the absence of effective supervision abuse followed. In reporting certain irregularities committed by the Head Clerk of the Kurunegala Kachcheri pertaining to the sale of Arrack Rents, Governor Robinson wrote that this Officer who for nearly thirty years had performed his duties efficiently had become incompetent as the Acting Government Agent of Kurunegala had not maintained proper vigilance. The result was a loss to the revenue owing to errors being not detected. The Governor informed the Government Agent, that while he was in charge of the North Western Province "no proper supervision was exercised on the affairs of the Kachcheri and that the whole business and responsibilities of the Department were allowed by him to devolve on the Head Clerk ...".¹ Again in reporting the dismissal of a Shroff, for the fraudulent sale of timber from Crown forests, Robinson pointed out that the former had "evidently taken advantage of the inexperience of the Acting Assistant Agent ...".² In another instance there occurred a defalcation of Rs.12,158/- at the Convict Establishment, where the Superintendent of the Establishment had become "a victim of his Clerk on whom he placed full reliance ...".³ The Superintendent himself attributed the defalcations to his "want of experience in keeping accounts ...".⁴ The outstation Courts and Tribunals also provided a number of examples of fraud and corruption, for here the temptations of bribery and the actual possibilities of indulging in it were particularly great. In 1874 there were in gaol four Secretaries and a Head Clerk of such

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1. C.O.54.109 Robinson to Granville 28/4/70: Encl. Minutes of Executive Council
 2. C.O.54.468.279 Robinson to Granville 13/11/71.
 3. C.O.54.502.144 Gregory to Carnarvon 13/7/76.
 4. Ibid.

outstation Tribunals, all convicted for gross dishonesty.¹

While such frauds and abuses could be blamed on the laxity of supervision by the Superiors, supervision itself was no easy task. The culprits were such experienced hands that it was hard to bring them to book. Moreover, a Superior who incurred the displeasure of his Clerks by exercising too firm a supervision ran the risk of having the tables turned upon him by the Clerks.² The proceedings leading to the dismissal of T. W. Rhys Davids from the Civil Service strongly smack of a vendetta by the Clerks against that Officer, although Davids was not entirely free from blame himself. He incurred the hostility of his Clerks both while he was the Magistrate of Galle and the District Judge of Anuradhapura by his firm attitude towards them on both occasions. Counter-charges were preferred against him directly or indirectly by the Clerks leading to his dismissal on the second occasion.²

The very fact that so large an amount of work devolved on the native

1. C.O.54.503.294 Gregory to Carnarvon 26/9/74.

2. The Head Clerk of the Galle Police Court, against whom there had been charges of bribery and negligence of duty was dismissed on representations made by Davids as Police Magistrate. Davids informed the Colonial Secretary that the Clerk was "one of the richest men in Galle, drives to office which none of the Junior Civil Servants can afford to do". He not only possessed many lands and houses but had just given his daughter £3000 in dowry. That he was dependent on his salary was therefore "something like a falsehood or it is very suspicious that he should be so well off and should refuse to get the money writ books of the office into order". The dismissed man memorialised the Governor and later the Secretary of State making charges against Davids. He alleged that Davids who for certain reasons had taken a dislike towards him, subjected him to annoyances. Large amounts had been inulcted from his salary by way of fines on frivolous pretences and the money appropriated by Davids for his personal use. (C.O.54.464.122 Robinson to Kimberley 29/4/71; C.O.54.464 Kimberley to Robinson 8/7/71).

subordinates made it difficult to substantiate charges against miscreants.¹ They could shelter behind the multiplicity of documents and accounts, and doubtless also behind the collusive support of their subordinates, who in the smaller outstations were often their proteges in the years before the examination system took effect. It thus became difficult to secure a conviction by methods which were strictly in accordance with Colonial regulations. The reforming Rhys Davids was defeated at the local level, and when Governor Gregory, alarmed by the seriousness of the situation, attempted quick and firm action, he too found himself in difficulties. The proceedings led to a sharp dispute with the Colonial Office about the propriety of his actions and revealed a conflict of attitudes in the treatment of subordinate officials between the home and island Governments.

Gregory's action was dictated particularly by a series of unusually scandalous frauds committed by the Secretaries of District Courts concerning

1. An impressive list of duties enumerated by a dismissed Chief Clerk, in urging his defence, provides some idea of the position. This Clerk had the following duties to perform: to call cases, make entries and enter judgments by default; issue writs; examine motions for drafts and issue them; keep fine accounts; furnish returns of all descriptions; apply for authority to incur monthly expenses; sign daily processes; remit weekly fines to the bank and forward receipts to Government Agent together with statements; keep Colonial Secretaries' miscellaneous letter books; keep stray cattle books; send proceeds of cattle sales to Agent; keep commutation fine book; send collections to Chairman of Provincial Road Committee with statements; commit defaulters of commutation tax; keep outstation process book; draw out Police Court commitments; issue processes to Fiscals; call for returns and carry out other orders from Court (C.O.54.464.122 Robinson to Kimberley 29/4/75).

The issue of precesses was one of the most important powers they possessed. Their uncontrolled issue had reached such menacing proportions that an Ordinance was passed to restrict it. Earlier they could issue a process to anybody applying for them without any preliminary inquiry whatever, and in any number. The Ordinance restricted this in 1872. But even in 1876 the Inspector General of Police remarked that in some stations they still detained persons in custody without grounds or warrant from a Magistrate (C.O.54.501.100 Gregory to Carnarvon 4/5/76).

The study of Guntur District, 1788-1848 by R. E. Frykenberg reveals a very similar pattern in the District administration of Madras where Indian subordinate officials struck back successfully at reforming District Collectors

the administration of intestate estates.¹ These Secretaries of District Courts, among other numerous duties, were often entrusted with the administration of estates of deceased parties, when there was no next of kin to whom the administration might be granted. In a number of instances they defrauded the beneficiaries in the course of executing their duties. Thus in 1873^{Daniels,} the Head Clerk of the District Court of Kurunegala was dismissed and judicially convicted for embezzling certain sums of money received by him from different parties making payments to the Courts. As a sequel to this, the Secretary of the Courts was asked to explain why he had allowed the money to be received by the Head Clerk when he was the officer directly responsible by law for receiving them. Daniel explained that the practice of making payments to the Clerk was a long standing one, having the cognizance and sanction of the presiding Judge.² However, when the Judges were required to make good the defalcations they denied that the practice had their cognizance. The result was that the Secretary was dismissed for neglect of duty. Birch, then Acting Governor, wrote that it was difficult to resist the conclusion that if the Secretary did not share in it "he was privy to the Head Clerk's embezzlement which would never have been committed if the Secretary had not systematically neglected one of the most important of his duties".³ Daniels protested to the Secretary of State that his

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1. During Gregory's Governorship alone, at least three Secretaries and Chief Clerks of District Courts were dismissed for fraud. Most of these concerned the administration of intestate estates. Wambeck the Secretary of the Kandy Courts was not merely dismissed but sentenced to six years imprisonment, the presiding Judge as usual having reposed entire confidence in him (C.O.54.503.294 Gregory to Carnarvon 26/9/74).
 2. C.O.54.500.5 Birch to Carnarvon 5/1/76: Encl. Daniels' Memo. to Secretary of State 12/12/75.
 3. Ibid.

dismissal had been carried out "without being informed of the specific grounds of his removal or an opportunity of defending himself as required by the 84th 85th and 87th Clauses of the Colonial Regulations".¹ He alleged that the District Judge had endeavoured to exculpate himself by throwing the entire blame on him, whereas the practice of making payments to the Head Clerk could not have continued so long if it had not secured the cognizance and approval of the Judge. It is certain that Daniels was right in stating that the practice of allowing Clerks to receive payments was a well-known custom.

The District Court of Kurunegala was not unique in this practice, for the Secretaries were everywhere driven by the multifariousness of their duties to entrust such powers to their Clerks. However, it was not the lack of supervision over subordinates which attracted attention at the Colonial Office, but the procedural question raised by Daniels. Birch in forwarding Daniels' protest to the Secretary of State ^{explained} that Daniels was correct "in his assumption that according to the strict letter of the Regulations he ought to have been furnished with charges formally drawn up and communicated to him in writing" ^{and} admitted that the proceedings were irregular. But, he argued, "it is not the case that he was in any way substantially prejudiced; he was fully aware of the representations made against him ... and he had full opportunity of meeting these representations. The informality of the proceedings, though on other grounds to be regretted, is quite immaterial as regards the memorialist's defence ... and it could not be urged as a plea for the re-opening of his case".²

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1. C.O.54.500.5 Birch to Carnarvon 5/1/76: Encl. Daniels' Memo. to Secretary of State 12/12/75.
 2. Ibid.

Birch obviously felt that his official pleas for support in the action taken against Daniels might fall on deaf ears, for he added a much more forceful private letter to Round at the Colonial Office. "There is a nasty personal case going home by this mail and I am afraid the absurdly good testimonials and the leniency first shown in the case may have some effect upon you".¹ He explained that at an earlier investigation by the Auditor General, Daniels had been exonerated in response to the appeals and intervention of de Saram the District Judge: "Daniels is a Burgher and so are both District Judges of Kurunegala and the race do stick together wonderfully".² However when the Judge, as the superior authority in the Court was asked to make good the defalcations, he had entirely changed his view about Daniels' innocence: "... when you touch a Burgher's pocket, race ... creed and all go to the dogs, and then it came out from the very de Saram who had written ... so highly of the Secretary that he was an unmitigated ruffian".³ Birch concluded by explaining that no regular enquiry had been held because Daniels "never by accident was known to state facts or truth", adding, "I think you may safely and without hesitation confirm ... dismissal".⁴ The predicament was clear: there was little doubt that Daniels was corrupt, but he could take refuge in a maze of detail, possibly supported by his fellow Burghers, and so escape if official procedures were strictly adhered to. Hence the appeals, official and private, for the understanding support of the Colonial Office.

The appeals were not heeded and the Colonial Office insisted upon adherence to the letter of the Regulations as well as to the substance.

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1. C.O.54.500.5. Birch to Carnarvon 5/1/76: Encl. Birch's private letter to Round.
 2. Ibid.
 3. Ibid.
 4. Ibid.

J. Panceforte observed that "the Regulations have been totally disregarded. Mr. Daniels has had no specific charge brought against him ... he has had no opportunity of defending himself; and I do not think that such irregularity should be countenanced to say nothing of the injustice of such a mode of procedure. There may probably be strong grounds for suspecting his integrity though it may be very difficult to get sufficient evidence to convict him".¹ Carnarvon accordingly wrote to Gregory in terms of measured reproof: "Apart from the irregularity of the proceedings, there does not appear to have been evidence as satisfactorily establishes the complicity of Mr. Daniels in the fraud ... although strong grounds may exist for suspecting him of being privy to them".² He refused to approve the dismissal of an Officer who had served thirty five years, without being satisfied that the Regulations had been complied with, and ordered the case to be reopened. Daniels had to be informed that this was being done because the Secretary of State had found the previous proceedings irregular.³ Although the Officer was eventually dismissed after the new inquiry, the inter-position of the Colonial Office obviously caused much embarrassment to the Government in its attempts to exercise disciplinary control over subordinates.⁴

The Colonial Office's strict adherence to the Regulations resulted in the decision of the Government in a number of such cases being criticized or modified. Thus the differences between the local and home authorities raised the question not merely of the need for adherence to the Regulations but

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1. C.O.54.500.5 Birch to Carnarvon 5/1/76: J. Panceforte's Minute of 28/4/76.
 2. C.O.54.500.105 Carnarvon to Gregory 11/5/76.
 3. C.O.54.503.294 Gregory to Carnarvon 26/9/76.
 4. C.O.54.503.284 Carnarvon to Gregory 28/11/76. In sanctioning subsequently the dismissal, the Secretary of State wanted Daniels to be paid his salary till the final decision to dismiss him, owing to "the irregularity of the proceedings in the first instance ...".

also another and much wider one regarding the vested right of the Secretary of State to reverse decisions taken by the local Government regarding subordinate Officers. Events reached a head when in 1876 Gregory forced the issue of the relative rights of the Colonial Office and the local Government regarding the dismissal of Officers, by taking a singular course of action regarding certain charges of malversation and neglect of duty against Prins the Chief Clerk of the District Court of Colombo. The Governor and Executive Council before whom the case came up as usual for final decision, passed a sardonically worded resolution.

"The Governor and Executive ^{council} are of opinion that the Chief Clerk of the District Court is by his own admission guilty of the charges brought against him. In all cases of similar gross misconduct, the Governor and the Executive Council have recommended suspension and they do so in this instance, in case it should be held that the rules and regulations require them to come to a decision. They have not however communicated this decision to Mr. Prins as it may be overruled but desire to leave the matter in the hands of the Secretary of State and that a statement of his services should be forwarded in case it should be determined that he should be retired on pension".¹

The Governor forwarding the resolution wrote:

"It is allowed on all hands that personal cases always receive the utmost consideration from the Committee; the proceedings are most carefully read by every member and it is not until after the question has been fully discussed and the amplest opportunity afforded to the Officer concerned of submitting ... the defence that an adverse decision is arrived at. The members are not only men of position and great experience but they are naturally disposed to give the Officer on his defence the fullest benefit of any reasonable doubt or of any circumstances that may be adduced in his favour ...".²

The Governor in particular referred to the embarrassment caused to the Executive Council and himself by the recent reversal of a decision of the local Government regarding a Police Magistrate who had also been dismissed

1. C.O.54, 503 Gregory to Carnarvon, Confidential 10/11/76: Encl. Extract of Resolution.

2. Ibid.

for misconduct. They had learnt with surprise that the Officer had been granted a pension.¹ A premium had thereby been held out to misconduct of the grossest character: "a blow had been struck at the prestige and efficiency of the Council, which was composed of civilians presumed to be the ablest in the service".² Owing to their varied and responsible character and long experience, they had "the best means of arriving at a right decision". When the Councillors found that the unanimous decision in a case which was perhaps the very worst that they had ever dealt with had been reversed, it was not unnatural that they should "feel unwilling to expose themselves to a similar rebuff when a case of less signal gravity is brought before them".³ The Governor hoped that the Secretary of State would not regard the resolution of the Council in Prins' case as "an ebullition of pique" on the part of the Council or as intended to challenge the undoubted right of the Secretary of State to dispose of all cases in "whatever way may seem to you most proper".⁴ It was on the other hand "dictated by a desire to avoid the mischievous effect on the native population that would be produced by a second reversal of a unanimous decision of the Governor and Council".⁵

The Council's action might or might not be attributed to any "ebullition of pique". The protestations of Gregory as to the scrupulousness with which they inquired into and decided on charges against subordinates may also

1. Jumeaux, was suspended by the Executive Council on 18/4/76. Bringing discredit to the administration of Justice, unseemly conduct in his office, gross remissness and irregularity in performing his functions were some of the charges against him. C.O.54.501.76 Gregory to Carnarvon 31/3/76; C.O.54.501.100 Gregory to Carnarvon 4/5/76; C.O.54.502.139 Gregory to Carnarvon 7/6/76; C.O.54.502.223 Gregory to Carnarvon 23/9/76.

2. C.O.54.503 Gregory to Carnarvon. Confid. 10/11/76.

3. Ibid.

4. Ibid.

5. Ibid.

perhaps be questioned in certain respects. But "the mischievous effect" which constant reversals of the Government's decision would have on the natives, particularly on those in Government service was, however, a factor to which the local, more than the home authorities found it necessary to be alive. However these factors appear to have weighed little, if not hardly at all, with the Colonial Office. They insisted on the adherence to the Regulations. The Secretary of State refused to approve either the course taken by Gregory in Prins' case or "the reasons by which a procedure which is both irregular and as a precedent open to much abuse is supported".¹ He reiterated the right of the Secretary of State to reverse a decision of the local Government as indicated in the Colonial Regulations. "Unless the reference to the Secretary of State required by the Colonial Regulations ... is to be understood as a mere matter of form, the decision of the local Government can only be regarded as provisional until the Secretary of State has had time to form his own opinion on the subject".² The reference to the Secretary of State, secured to an Officer whose conduct might be brought under scrutiny by the local Government, "reconsideration of his case in a quarter where no local feelings or interests can possibly affect the final judgement".³ However, it was not to be assumed, he admitted, that the opinion of the Secretary of State would in all cases coincide with the opinion already arrived at in the Colony. But he remarked that when the Secretary of State "decides in a sense opposed to the Council, it is clearly the duty of the local Government to accept the decision without reserve".⁴

1. C.O.54.504 Carnarvon to Gregory. Confid.(imperfect date) 1877.

2. Ibid.

3. Ibid.

4. Ibid.

Having restated the respective situations of Governor and Secretary of State in general terms, Carnarvon went on to administer a ponderous personal reproof to Gregory. A temperate, measured request to him to reconsider a particular decision was always in order. But he did not think that the Council had acted with due respect to the Secretary of State in making themselves a party to such a minute as the one forwarded, which was full of assumptions that he would take an unjust or erroneous view of the case, and by implication that he had done so in a former case. In particular he regretted that the Governor himself had sanctioned a departure from the rules of the services in making his dissent. "When a Governor as must sometimes be the case, differ from the Secretary of State, it is of course open to him and indeed incumbent upon him to communicate his views confidentially but freely to the Secretary of State. But your despatch is in effect an announcement that you have decided to suspend the regulations for reasons which I had no previous opportunity of considering".¹ He hoped that on further consideration Gregory would agree that such a despatch should not remain on record. He did not desire to convey any censure, but he required that "the Regulations governing proceedings in respect to the suspension of public officers, which it would be most dangerous to vary or suspend, be scrupulously followed".²

Gregory's attempt to assert a degree of independence in dealing with erring officials had thus resulted only in the clear reassertion by the

1. C.O.54.504. Carnarvon to Gregory. Confid. 1877.

2. Ibid.

Secretary of State of his authority as final arbiter. Gregory had little to complain of, for on almost all cases referred to the Secretary of State for sanction to dismiss officials, that sanction had been granted. In the exceptional case of Jumeaux, the Police Magistrate, dismissal had been altered to compulsory retirement on pension, but there had been no outright reversals of the Governor's decision. Otherwise, what the Secretary of State had actually done, in a number of cases, was to refer dismissal papers back to the Governor because he had not adhered to Colonial Regulations. What was questioned was not the decision, but procedure, and once the correct procedure had been used sanction to dismiss followed.¹ Gregory and his Council, by ignoring the Regulations had thus brought trouble on their own heads. Doubtless, compliance with the Regulations was inconvenient, and a greater latitude to the Governor might have facilitated the efforts of the local authorities to check corruption of their subordinates. But as Carnarvon rightly pointed out this left room for abuse by the local Government itself.²

By denying to the Ceylon Government a free hand in disciplinary action, Carnarvon made it clear that other means would have to be found of instilling greater integrity on its servants. One method, occasionally pointed out by local officials, was that of reform in administrative methods and to this

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1. C.O.54.506.43 Birch to Carnarvon 13/2/77: Prins himself was subsequently dismissed with the sanction of the Secretary of State.
 2. When sanctioning the dismissal of Nallawansa, Secretary of the District Court of Anuradhapura, on a charge of leaving his station without leave, a Colonial Office official expressed doubts: "it is rather singular that a man with twenty years service, so highly spoken of ... should have acted as he did Probably Mr. Dickson (his superior) may have been put out at finding that his subordinates did not like his station and as he has not the best of tempers nor the best of manners he may have been unnecessarily sharp ... in this instance". (C.O.54.514. Longden to Hicks Beach 16/8/78.

the Colonial Office now drew attention. Not many months after the Secretary of State's despatch, Birch, then Acting Governor, referring to the dismissal of a Clerk of the Survey Department in connection with certain extensive frauds in the Department, wrote that though charges could not be brought against the others involved, the dismissal would "have a good effect on the Clerks in the Survey Department which appear from inquiries that have been made in this and other cases to be in a very unsatisfactory condition".¹ On the otherhand, a proposal made by the Colonial Office indicates other means which were equally if not more essential for raising the tone of the service. Reforms in the administration so as to curtail opportunities for abuses by Clerks were required.² Thus when the Secretary of the District Court of Jaffna was dismissed, as frequently happened, for utilizing for his private purposes money entrusted to his charge as Officer administering an intestate estate, while sanctioning the dismissal, the Colonial Office drew attention to the real basis for most of these fraud: "The Court under the existing

1. C.O.54.507.61 Birch to Carnarvon 1/3/77.

2. Occasionally local officials pointed out that administrative reform was needed to deal with corrupt officials. But this was often not heeded by the superior officers. For instance, referring to the widespread frauds committed in the administration of intestate estates, G.W.Peterson, the District Judge of Kalutara had remarked as early as 20/9/70, "I believe the Government is not aware to what an extent the whole system of administration is made use of in this country as an engine of oppression for robbing the fatherless and the widow and wasting their inheritance. The recent disclosures at Kandy in the case of the miserable convict Wambeck (Secretary of the Courts) are not the only evidence of the sink of ~~the~~ ^{iniquity} ~~grity~~ that is polluting all our Courts, and to which we Judges are in a manner compelled to give our aid. To my certain knowledge have heirs been kept out of their inheritance for 20, 30, in one instance, 80 years. These ... thoroughly convinced me that the whole system of administration ... called ~~imperatively~~ ^{urgently} for reform". Peterson came into conflict with the Supreme Court regarding a judgement on a testamentary case, and was fined £30 for contempt by the latter body. (C.O.54.466.184. Robinson to Kimberley 18/7/71).

arrangements appears to have acquiesced in this ill paid native Clerk keeping in his own custody the various sums accruing to the estate".¹ The Secretary of State said that this case showed the need for the proper supervision of the Secretaries of the District Courts and the facilities afforded them of retaining in their hands monies belonging to estates.² The law and practice regarding the administration of intestate estate by Secretaries failed to prevent such abuses.³ He therefore proposed the establishment of a special department for the administration of such property, as was the practice in many other Colonies. If this was not practicable he made alternative proposals for the proper supervision of the Secretaries themselves.

Governor Longden however informed the Secretary of State that the concensus of official opinion in the island was that it was not expedient to set up an Administrator General's Department to administer insolvent and intestate estates, for a number of reasons.⁴ But he agreed that for

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1. C.O.54.515.390. Longden to Hicks Beach 18/11/78. R. Meade's Minute of 8/11/78.
 2. C.O.54.515.181. Hicks Beach to Longden 4/7/78; C.O.54.493.67 Birch to Carnarvon 15/7/74.
 3. The Secretary had habitually delayed filing of accounts of the estates he had been entrusted to administer. The effect of these delays was to retain in his hands monies which ought to have been deposited in the Courts or paid to heirs of the estates. In one case the accounts had been filed after a delay of nine years.
 4. The Secretary of State proposed the following rules to be observed in regard to the administration of estates (1) The Judge to keep a separate Register of cases where the Secretary of the Courts was the administrator (2) All monies, above a small amount, hitherto payable to the Secretary, to be henceforth paid to the Kachcheri (3) All payments, beyond small sums, payable on account of an estate, to be paid from the funds in the Kachcheri, standing to the credit of the estate (4) Periodical returns of sums received and paid on account of estates to be signed by Judge (5) Judges to examine the final accounts and the Auditor General to audit them (6) Any other rules the Governor may consider desirable. (C.O.54.515.181. Hicks Beach to Longden 4/7/78; C.O.54.525.125. Longden to Hicks Beach 15/4/80).

remedying the existing evils, the Secretaries of District Courts should be not charged with the administration of estates - except in rare cases where there was no other person available.¹ The discussion indicated the need to transfer some share of duties from the "ill paid" native subordinates into more reliable and legitimate hands.² ~~Implicit was also a need for substituting functions performed by native Officers into the hands of European superiors where integrity was needed.~~ A more open acknowledgement of this is found in another recommendation by local officials. Thus on the disclosure, in a Report of a Committee of inquiry into the Customs Department, that the Clerks in that Department were involved in widespread frauds and bribery, it was recommended among other things, that the combined offices of Chief Clerk and Warehouse Keeper, which had hitherto been held by natives, be separated and an English Officer be appointed Warehouse Keeper. Similarly on another occasion when certain serious defalcations by an Accountant were revealed, the Superintendent of the establishment concerned requested that an European Accountant be appointed on better pay.³ Such proposals, however, met with instant oppositions from native Clerks who interpreted

1. The Chief Justice did not think there was an immediate necessity to do so. If such a department were set, it would have to be free from all association with the Government. In India such central administration was possible as the Supreme Court had a very large original jurisdiction in the administration of intestate estates. But in Ceylon all original testamentary jurisdiction rests with the District Courts, 18 in number. The Administrator General would have to appoint an agency in each of the 18 Courts. Also if the office was created, then a central Court of dominant original jurisdiction would also have to be set up and the local jurisdiction of the Dist. Courts taken away. He agreed that administration should not be entrusted as at present to Secretaries, but vested with the Fiscals. Longden agreeing with the Chief Justice, also added that the establishment of a department would involve levying prohibitive charges on estates administered to maintain the department. (C.O.54.521. Longden to Hicks Beach 11/10/79).
2. C.O.54.493.48 Birch to Carnarvon 30/6/74.
3. C.O.54.527.120 Longden to Kimberley 25/8/80; C.O.54.528.148 Longden to Kimberley 18/9/80.

them as inroads into positions hitherto held by them, and had accordingly to be abandoned.¹ Even if unopposed, such proposals could not be implemented without incurring additional expenditure. In the circumstances, the employment of natives with greater supervision by European superiors appeared to be the only course open to the Government.

The problem of securing honest and efficient service from native members of the Clerical service had thus been approached from many angles during this period, and it must be admitted that no very satisfactory solution had been found. The proposal of the Colonial Office that greater incentives should be offered by the creation or transfer of further well paid senior posts had foundered on Civil Service opposition and the question of cost. The opposite proposal, that more Europeans should be appointed to positions of trust, met with no less vigorous opposition from the Clerks and their supporters in the Legislative Council and the press, and was open to the same objection on the score of expense. Something could have been done by purely administrative reform, though here too the mere pressure of work upon individual officials made improvement difficult. But in the absence of any better method, reliance was principally placed upon close supervision and upon punishment of offenders.

Such a technique was, however, increasingly difficult to apply. The headmen, though more influential than the Clerks, generally exercised their influence on the side of that British rule which guaranteed their position in society. The more numerous class of Clerks was a much less docile group,

1. A writer in the Examiner called it an attempt to snatch "higher prizes" from Clerks. (Overland Examiner 8/3/73). Also, Overland Observer 22/1/73.

though the **distinction** must not be pushed too far, and notably more articulate. The unsettling effects produced among the natives generally by the spread of education, particularly English education, were nowhere clearer than among the Clerks, now recruited by examination. The demand by the Secretary of State that the Ceylon Government should unfailingly adhere to Colonial Regulations in dealing with native as well as European officials accused of dereliction of duty was certainly just. It may also have been prudent in view of the increasingly assertive way in which the Clerical Service defended its rights and privileges. It must also have been seen by the local Government as making their task of maintaining discipline very much harder.

Placed in official situations, Clerks could at times be a mischievous influence in the administration. Davids, the Civil Servant, dismissed from the service, spoke with some truth when he said in defending himself against the charge of oppressing his subordinates and the inhabitants of his district that, "the charge of oppressing the Clerks is inconsistent with that of oppressing the people: if any man were knowingly oppressing the people, he would not offend the Clerks, who know all that he does and know so well how to urge what they knew against him".¹ The inhabitants, he declared, "would never have complained against me if they had been left to themselves".² In like manner, the displeasure of the Clerks under his administration appears to have accounted for much of the embarrassment suffered by the experienced and able Government Agent of the Northern Province, Twynam.³ Complaints

1. C.O.54.479.238 Gregory to Kimberley 14/11/72: Encl. T.W.R.Davids' to Colonial Secretary 12/10/72.

2. Ibid.

3. Debates, Legislative Council, 17/12/77. pp. 97-102.

against him of a most scandalous nature resulted in a public inquiry into his entire administration of the province. A series of allegations involving questionable **financial** dealings and irregular appointments had been mounting against the Government Agent. These received publicity in the press and particularly the Examiner. Matters reached a head with the outbreak of an epidemic of Cholera in the province in which the severity of some of the measures adopted by him caused wide discontent among the inhabitants. Coomaraswamy, the Tamil member moved a resolution in the Legislative Council calling for an inquiry into the Agent's conduct. He stated that complaints from Protestants, Catholics, Hindus, Moors and Burghers had been made against the Officer in English and Tamil newspapers.¹ He had been pressed by the Tamils to raise the matter in the Council. Coomaraswamy complained that when Cholera broke out, Twynam had acted belatedly. In introducing sanitary measures he had incensed the people by burning their huts, causing alarm among them which resulted in a riot. Alwis and Van Langenburg the two other native members of the Council supported the request for an inquiry.² Though there appears to have been some basis for the complaints, it is unlikely that the matter would have emerged into such prominence but for the hostility which Twynam had incurred from some of his subordinates. In addition to his other indiscretions he had committed the sin of antagonizing the latter, for one of the specific complaints made against him related to certain irregular appointments he had made to the Clerical establishment of the Province. The Observer, commenting on the matter, referred to the mal-

1. Debates, Legislative Council 17/22/77. pp. 97-99.

2. Ibid. pp. 100-101.

contents who had f~~or~~mented the agitation.¹ The fault of Twynam, said the paper, was in "not going out of his way to flatter the vanity of young Jaffna" and in not hesitating "to tread on the toes of old Jaffna".² When Cholera broke out, Twynam had had "the courage to clear away obstructions, even if they happened to be garden fences, or human bodies", and so he came into collision with old Jaffna "who would rather die in his dirt" than be troubled about air, light and hospital treatment.³ Having thus offended old Jaffna, he had also made an enemy of young Jaffna, "with an English name and an English education, by not valuing him at his own estimate, or by not being able to put five hundred clamorous candidates into fifty situations. Young Jaffna has learnt the art of memorial writing and old Jaffna is ready to put his name to anything, especially if he is told that its objects is to be relieved of all taxation ...".⁴ Jaffna teems, the paper continued, with native Digbies "... the most part of whose theological creed is that all Europeans, especially those who levy taxes are tyrants.⁵ It is amongst people of this kind that Mr. Twynam goes forth ... to sweep away dirt". The attacks against Twynam, according to the Observer "proceeded from the class of superficially educated natives, without any principle save that of self

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1. Referring to the maladministration of Twynam, the Examiner said that there was an imperium in imperio in the Province under "The Autocrat" of the North. It supported ~~the~~ Jaffna Native Association in its campaign against Twynam. (Examiner 7/6/77). A correspondent of the paper complained against "changes and promotions concerning Clerks" carried out by Twynam in the Kachcheri. Deserving people had been left out and favourites selected. (Examiner 18/6/77; 24/10/77; 13/12/78; 27/1/80).
 2. Overland Observer 8/6/78¹.
 3. Ibid.
 4. Ibid. Also Overland Observer 5/1/78; 9/1/78; 1/6/78.
 5. William Digby, had in some of his writings on Ceylon evinced a sympathy for the interests of educated natives and especially the Burghers.

seeking, who are simply a nuisance in Ceylon, but who threatened to become so much of a danger in India that an exceptional press law becomes necessary".¹ Contrasting the educated Ceylonese with his Indian counterpart, the Observer remarked that the former "who are ready at an hour's notice to relieve the British of the trouble of administering the Government of Ceylon have not gone to the length of inciting their ignorant fellow countrymen to violence. They have not courage enough for anything so open. Their little game is rather to attempt the ruin of Officers who do not pander to their vanity and self importance by insidiously framed charges ... in newspapers".²

It is noteworthy that during the entire period of this study there does not appear to have been any outburst of popular dissatisfaction against any other official, comparable to that against the powerful Government Agent of the Northern Province. Although somewhat exaggerated, the Observer's comments appear therefore to have fairly indicated the hidden agency behind the agitation.

The Northern Province, and the Jaffna peninsular in particular, appears to have provided the ideal conditions for this kind of discontent, compared to the rest of Ceylon. It contained a large concentration of educated natives who had increasingly ^{to} turn to the public service for employment.

1. Overland Observer 8/6/78.

2. Ibid. Ludovici the Editor of the Examiner, on being subsequently sued by Twynam for making charges of dishonesty and misappropriation against the latter, in its issue of 27/1/80, was fined Rs.1000/- for libel. He admitted that the information had been given by a Government Clerk. (Overland Examiner 7/9/80).

Its area was small and the possibilities for cultivating the land were restricted. A letter in the Observer puts the attitude of the educated Tamil forcefully and clearly when it speaks of the large ~~annual~~ output of educated Jaffnese who "cannot for ~~the~~ love of money get into an honourable employment to suit their taste and position, either in Government service or private firms; nor are they so circumstanced as to follow their forefathers' avocation agriculture".¹ The correspondent speaks of large numbers emigrating to India, Singapore and Burma, but of many still left loitering about public offices and streets, seeking employment. He ends by appealing to Government to assist them in settling in agriculture. At much the same time the Overland Examiner was urging the Jaffnese to take to agriculture as an escape from poverty and was claiming that there were too many educated men among them.² The problems which, at the beginning of the period had beset the Burghers, the first community to take to English education, were now affecting the Tamils. The two Tamil members of the Legislative Council, Coomaraswamy and Ramanathan made sure that their difficulties should ^{not} pass unobserved. It was clear that the problem posed by the Clerical service which Government had rather half-heartedly tackled in this period would come to require much more serious attention.

1. Overland Observer 17/5/82.

2. Overland Examiner 17/5/82; 2/6/82.

CHAPTER SIX.

THE POLICE FORCE.

The creation of an effective police force in Ceylon can be said to date only from the beginning of our period, and since this was a branch of the public service in which natives were largely employed, its growth is of considerable importance to our study. There had been an embryo police service since 1844, when Ordinance 17 provided for the establishment of police forces in the towns, with separate superintendents each directly responsible to Government for their individual urban force. In the countryside however, police duties continued in the hands of the traditional police headmen or vidanes. Since there was no single Chief Superintendent with overall charge before 1858, no uniformity of management developed, while the low rates of pay fixed in 1847 discouraged the emergence of a stable force even after 1858. However the growth of the Ceylon economy and the knitting together of the island by an improved system of roads made a more closely organised Police Department at once more necessary and more possible. A Committee was appointed to review existing arrangements, and on the basis of its distinctly critical report Police Ordinance 16 of 1865 was issued for "the establishment and regulation of a police force in the island".¹

The Committee of Inquiry had found the police very inefficient and for this they mainly blamed inefficient superintendence, aggravated by the premature centralization under a Chief Superintendent in 1858, and poor rates of pay. They complained of "absurd and prejudicial " delay caused by having to send criminal warrants from Kandy and Galle to be endorsed by

1. C.O.54.406.219 Robinson to Cardwell 13/12/65.

the Chief Superintendent at Colombo and strongly urged that by leaving them "entirely free from a control which ... hampers the local superintendents in matters of local and personal detail, on which they themselves have the best means of forming a right opinion ... the utility will be increased of such peculiarly local Forces as our Police now are ...".¹ The Committee urged that such independence should continue so long as each district was separately assessed for the upkeep of its police force, and they recommended the abolition of the post of Chief Superintendent.

The Committee also recorded their conviction that the pay of the lower ranks of the police was insufficient to induce good men to enter the force and remain in it. The pay of ^aHead Constable ranged from £36 to £50 a year, a Sergeant drew £30 a year at the most and in some cases no more than £21, while the pay of Constables varied from £13.4s.0d. a year to £31.² Such poor rates had resulted in inferior men being recruited, and they therefore recommended that Constables be paid from £16 to as much as £46 a year while the minimum for a Sergeant should be raised to £30 a year. They also recommended the creation of a pension fund, since "if men were only to continue a single year in service they would ... feel that they forfeited something by either quitting the service ... or by causing their own dismissal by misconduct ...".³

They also recommended that all old and worn-out men should be removed from the force and that maximum age of admission should be fixed at thirty five years.⁴ The character of every candidate should be strictly looked

1. Sessional Paper 1865, XV, p.4.

2. Ibid, p.5.

3. Ibid. p.7.

4. Ibid.

into. The Committee did not think any increase in numbers was required, merely better management.

For financing the Force the Committee recommended that except for the salaries of Superintendents, and the cost of barracks, medical attendance and arms, which were to be borne by the Government, the cost of any urban police force should be borne in its entirety by the inhabitants. In rural districts where the majority of the landed proprietors, representing two-thirds of the acreage of the area, so applied, police forces would be established with the Government paying half and the inhabitants half of the cost. However, though the force would afford protection to everybody, only estates of over twentyfive acres would be liable for the assessment. Finally where districts were in a disturbed or dangerous state owing to the misconduct of the inhabitants a police force might be quartered on a district and its costs recovered in full from the inhabitants.¹

Governor Robinson, when submitting the report of the Committee agreed that the salaries of the lower ranks should be raised. The existing rates of pay had been fixed in 1847 and since then there had been an increase in the prices of provisions. The salaries were wholly insufficient to induce respectable men to enter the force. The rates proposed by the Committee he said were the lowest which could be adopted with any reasonable prospect of affecting a reform of the force. As a means of retaining the men who entered he also accepted the proposal to establish a pension scheme. The Governor pointed out however that if all policemen were to be made pensionable the rule which prohibited the grant of pensions to those receiving

1. C.O.54.406.219 Robinson to Cardwell 13/12/65.

salaries of less than £25 a year would have to be changed. For purpose of discipline barracks should be provided while gratuitous medical assistance was also to be supplied. The Government also agreed with the other recommendations of the Committee, except for its demand that the post of Chief Superintendent should be abolished. Government held that "whatever may be the amount of the Police Force, there should be one Head to the whole Island ...".¹ With this one change, therefore the proposals were submitted to the Colonial Office where they were duly sanctioned by Cardwell. As a result, the police which from the first had been established to meet local requirements of certain towns assumed a more integrated form.

To reorganise the police on the new lines Robinson secured for the post of Inspector General G. W. R. Campbell of the Bombay Police, whose experience of the organization of the native police corps and acquaintance with no less than four native languages rendered him, as Robinson said "peculiarly qualified to undertake the establishment of an efficient system of police."² His experience was soon tested for within a year a Military Commission appointed some time back had recommended the withdrawal of the native troops from Jaffna, Kurunegala, Hambantota and Badulla, and this proposal was implemented on 1 January 1867. To the refashioning of the police force was thus added an extension of its duties as it took over from the troops such tasks as the guarding of Kachcheries and gaols and escort duties in these stations. At the close of 1867 Campbell had already increased the force from 689 men to 808, as follows:

1. Sessional Paper 1865 XV: Minute of the Executive Council 23/5/65.

2. Ibid: Cardwell to Robinson 258, 24/11/65.

	Number of Officers employed on <u>1866</u>	<u>1867</u>
Inspectors (Drawing Average Pay £13.6.8.)	14	16
European Sergeants (£6.10.0.)	4	8
Native Sergeants (£3.5.4.)	75	95
European Constables (£3.12.3)	31	24
Native Constables (£1.15.0.)	560	660

(Besides these there was the Inspector General, 2 Superintendants and 2 Assistant Superintendants).

Of this force, the highest posts were in the hands of Europeans, but the great mass of Sergeants and constables were mainly natives, only a few Europeans being employed in these ranks. Campbell was clear that European numbers were unlikely to increase. "The pay allowed for these men is not sufficient to induce the better class of them to remain in the service".¹ Out of six Europeans he had enlisted, he had had to dismiss three for misconduct almost immediately, while of the remaining three the two best had joined the railway or private employment where they received higher pay. He asserted that it was almost impossible to fill the lower ranks with Europeans satisfactorily. It was even more difficult to fill them with natives of Britain than with other Europeans" for the good men of the former will not stay for the pay allowed and the bad men who are mostly drunkards we cannot keep".²

After discussing the merits, or rather the demerits, of European recruits Campbell in his Administrative Report next surveyed the natives in the force. Here there were more Malays than any other, followed by Ceylonese Christians, Hindus and Buddhists. In matters requiring personal courage

1. Administrative Report, 1867, p.250.

2. Ibid. During 1867 there was in the service almost every nationality of Europe.

the Malays came first, partly from national qualities, but chiefly from the prestige they enjoyed among the natives of the island. In matters requiring education the Burghers were first. "The Buddhist or Singhalese element is however what we most require ...", added Campbell.¹ Campbell explained his desire to see a larger accession of Sinhalese by pointing out the island's police had always been weak in detection: "One great cause of this weakness" he said, "was that the force possessed few Singhalese who alone are en rapport with the Singhalese, who formed the bulk of the criminals. We have all along striven to remedy this by enlisting Singhalese but we have had not much success until lately when the improved advantages of the lower ranks are inducing some of them to enter". To meet this deficiency he had obtained sanction for the appointment of three Singhalese gentlemen to Inspectorship hoping that this would result "in an accession to the Force of valuable local influence and intelligence not only in the higher but also in the lower ranks. These three "Singhalese gentlemen of standing" he explained "will I hope through their race and family influence, bring to light in outlying districts crimes of a class we have hitherto found difficult to unravel and they will enable us to get into our subordinate ranks numbers of their countrymen";² Campbell thus hoped to combine the courage of the Malays, the education of the Burghers and the influence of the Sinhalese in his force. The force was thus a balanced mixture of races which as Campbell observed "in all our Eastern Dependencies it is considered Native Forces ought to be".³ There was deliberate policy here, and it is significant that the

1. Administrative Reports, 1867, p.250.

2. Ibid.

3. Ibid.

Administrative Reports generally give a statistical break down of the strength of the police force both by race and by religion in a manner which is not adopted for other less sensitive services.

As already noted one of the important improvements contemplated by the Government in the Ordinance of 1865 was the extension of the regular police to the rural areas. Not long after Campbell had taken charge he pointed out how unequally his available forces were distributed. While there were 327 police stationed in the Western Province and 239 in the Central Province there were 97 in the Southern Province and only 28, 24 and 21 men in the Northern, Eastern and North Western Provinces respectively. Moreover, in the three best provided Provinces, the Western, Central and Southern the towns of Colombo, Kandy and Galle absorbed 255, 118 and 97 men respectively from the available forces, that is half or more of the total. Moreover even where units of police had been stationed outside the cities they were rarely more than half a dozen strong. The extension of the regular police to the rural districts specially the more remote ones, necessarily implied a larger force and larger expenditure and was naturally a slow process. Nevertheless Campbell strongly urged the need to create additional rural police stations. Thus in 1869 he declared, "The regular Police should form a chain, however far apart the links might be, on every main road in the island. There should be no peopled tract without police stations, within at the furthest 30 or 40 miles of each other".¹

1. Administrative Reports 1869, p.223. (The Assistant Government Agent, Sharpe, writing in 1860 urged the establishment of stations at Passara on the Batticaloa road and along the Ratnapura road at easy distances from each other. Ibid. p.45).

The Inspector General's desire to see the regular police extending into the villages and rural districts was supported by Government, and even by the end of 1870 a considerable advance could be seen. Where in 1865 the police had been largely confined to Colombo, Galle and Kandy, by 1870 they were to be found in sixty-one stations. However, the extension of a police force, modelled on western lines into the country-side brought its own problems. Traditionally the rural areas were the charge of the native Headmen and the allied village offices, the Police Vidanes. The extension of the regular police into the villages was bound to affect the influence and authority of the Headmen. British administrators here faced in Ceylon as they had faced in India, the problem of introducing reform without destroying the value of traditional village institutions.

The dangers and advantages of change were both recognised, and there was some discussion of the desirability of extending the regular police to the rural districts. Campbell was convinced, of course, that such an extension was needed: "there should be no Magistrate's Court" he said, "without a few Policemen, to sift cases to collect evidence and to bring up accused persons ... and to assist and at the same time keep in check the village police. At present ... when a case from an outlying district is before the Magistrate and he knows the witnesses are lying, he is helpless ... and he has only the Headmen or other Village Police to send ^{for} and he knows they would lie too".¹ He cited the views of the Magistrate of Galagedara and of the District Judge of Kalutara in support of his views.

1. Administrative Reports 1869, p.223.

The former observed "if a large force of Police were under the command of the ... Magistrate murders would not be of such frequent occurrence".

The Headmen were worse than useless in this respect: "if there were a sufficient force here (say ten men and a sergeant, the present force is four men and a sergeant) ... it would hold the inhabitants in check".¹

The Judge was equally convinced of the absolute indispensable necessity for police to co-operate with the Magistrates in reducing crime. Not all were so optimistic, however, of the good effects to be anticipated from the introduction of regular police. The Government Agent of the Northern Province said "Nothing would tend more to demoralize the police headmen than to send such policemen ... to co-operate with them or to be a check ... on them".² The respectable men would resign and the police Headmanship would no longer be looked up to and sought for by men of respectability and position. Indiscriminately to place detachments of police over the whole country would have a most demoralizing effect on the people and the headmen; what was really required in the rural districts was the improvement and proper encouragement of the present rural police of village Headman. Liesching the District Judge of Anuradhapura expressed similar views. "I do not lose sight of the fact that the Inspector General contemplates moulding the village Headmen into an efficient village police by means of the regular police stationed among them, but I confess to doubting if by this they will be transformed ... If a policeman can succeed in this transformation of a police Vidane, he must rank among the first social

1. Administrative Report 1869, p.223.

2. Pippet: History of the Ceylon Police Vol. I, p.263.

regenerators of his age".¹ These expressions of opinion represented an extreme point of view not held by the officials in general. Nevertheless they help to indicate that the vital position occupied by Headmen in the administration of the village districts had to be taken into account in any scheme for establishing a regular police in the rural districts. However in course of time, the police was gradually extended to different parts of the island, both urban and rural. Thus since Campbell took over the police force hardly five years back the force had increased substantially.

Five years later, in 1878, the strength and efficiency of the service was reviewed by the Inspector General in urging improvements. Despite all that had been done it would appear that the state of the service particularly the lower ranks left much to be desired. The difficulty of attracting men of good quality was still the problem facing the authorities.

The number of men in the service in 1878 was about 1500 representing an increase of nearly 50% since 1870. Of them 57 were Europeans and the remainder Asiatics, mainly Sinhalese, Malays, Coast Indians.² Besides the Inspector General there were by now four Superintendents 1 each for the Western, Central and Southern Provinces while 1 superintendent had the combined charge of the Northern, North Western and Eastern Provinces. The number of Inspectors in the service had increased from 16 in 1867 to 27 in 1878. The number of Sergeants and Constables was 656 in the Western Province 473 in the Central Province, 181 in the Southern Province and 184 in the three other Provinces combined.

1. Pippet: op cit, p.263.

2. C.O.54.514.235 Longden to Hicks Beach 10/7/78: Encl. Inspector General's Memorandum 10/4/78.

One of the two main points raised by the Inspector General of Police was the need for increasing the police force stationed at Colombo. One of the reasons why it was difficult to make ^{effective} Police arrangements in the city was that a large proportion of the domestic servants and a very large proportion of the poorer native population were inveterate receivers of stolen property. The existing force could not cope with all this work as it was already over-worked. As to relief the Colombo force had none at all; not only were all the men who ought to be reserves constantly on duty, but the rest of the constables were also constantly over-worked. "So much is this the case that when by chance they have a working hour during which they are not on duty, they are too tired and depressed for amusements in which men of their age and class are generally glad to join".¹ Moreover the ranks had been thinned by sickness. "It is not wonderful that with such a harassing life men take to drink and are eventually ruined or that many of them while on the beat sit down to rest on some door-step and worn out and weak - for they are not too well-fed - fall asleep. Thus the poor wretches are turned out ... to endure greater distress, for we do not in the smallest degree tolerate sleeping on the beat ...".²

The Inspector General went on to state that "one great evil that comes of the over-working of the men is the enormous number of vacancies it causes. More than 300 men - that is more than a fifth of the whole - leave the ranks every year. Most of them dismissed for sleeping on duty or discharged at

1. C.O.54.514.235 Longden to Hicks Beach 10/7/78: Inspector General of Police Memorandum.

2. Ibid.

their own request or dead principally from hardship and exposure ...".¹

How could any department, he asked maintain any decent standard of excellence with all this "continuous loss of training and inflow of ignorance. Is it to be wondered ~~at~~ that offences are undetected and prosecutions fail, when we have to send on duty lads, who a few months before were tending their buffaloes in some remote inland village? It is not only that recruitment drill is hurried over and slouching round shouldered young men are sent out to take charge of beats almost before they know the right hand from the left, but that the higher training and education of the older constables and sergeants has been in a great measure impossible".² The Inspector General had established a fair school at the Head Quarters and drawn up a ~~simple~~ catechism and many clear circulars teaching the principle duties of the department. But there was no time for the men to learn and in consequence "Sergeants who cannot write are sent out in charge of outstations and constables everywhere are ignorant of duties", obstructing the work of the department and the detection of crime.³ Thus low salaries on the one hand and overwork on the other were the two factors to be overcome if the level of the service was to be raised. Nevertheless he did not recommend any increase in the pay of the sergeants and constables, European and Native. "Because what would be but a small gain to them would be a great charge for the state. It must not be considered from this however, that I think them well-paid. They are certainly not so looking to their wages and local prices. The native constables have not indeed nearly

1. C.O.54.514.235 Longden to Hicks Beach 10/7/78: Encl. Inspector General of Police Memorandum.

2. Ibid.

3. Ibid.

as good wages as are earned by coolies at the wharf and the European constables do not receive enough to enable me to keep the ranks full". All he was ready to recommend was that the Government should grant every year a liberal sum of money for the construction of barracks for it was unfair and cruel that constables should have to pay sometimes Rs.4 or Rs.5 a month for miserable lodgings.¹ But to relieve the condition of the men he urged that the town beats in Colombo be increased from 120 to 160 men. Currently these duties were being performed imperfectly by 120 men, who worked 60 by day and 60 by night, while there were 91 miles of road in the town. The men had moreover to perform other duties besides those of town beats. "The coffee alone that passes through it every year and manipulated in the many processes of its receipt and curing and shipment before the eyes of needy thieves, is now worth from 40 to 50 millions of rupees; and the wealth must be great in the long lines of offices, stores and shops in the Pettah and Fort which are every night committed tenantless, or almost so, to the care of the police".²

For the higher grades of Officers however the Inspector General recommended an increase of pay. Referring to the Superintendants, who were all Europeans, he urged that their salaries were not equal to those of other public servants in appointments of similar importance. In most of the Government establishments the Officers attended office from 11 o'clock in the morning till 5 o'clock in the afternoon. As a rule their mornings and evenings and Sundays were entirely their own. He recommended that the Superintendants and Inspectors be granted an increase of 20% in their pay.³

1. Elsewhere he says they had to pay between one and half and three rupees for houses per month.

2. C.O.54.514.235 Longden to Hicks Beach 10/7/78: Encl. I.G.P's Memorandum.

3. Ibid.

Governor Longden was not disposed to agree to the 20% increase suggested. It was pointed out that the Superintendents, four in number were all Europeans. But the rank of Inspector was largely recruited from natives. The expansion of the Department during the past few years had been accompanied by an increase in the Inspectorate. Whereas the number of Inspectors was 14 in 1867, ~~by~~ in 1880 there were 28.¹ The increase of salary would have been a welcome concession to the native element in the force, especially in view of the fact that the meagre salaries of the constables and sergeants too had not been recommended for an increase.

Longden pointed out that the Inspectors "as a rule are recruited from the same class as that which supplies the native clerks in the public offices, and the pay is not disproportionate to that given to that class in other branches of the public service".² Accordingly he did not consider an increase necessary. The salaries of the Superintendents also he considered as adequate.³ However, an increase in the horse allowance from Rs.30/- to Rs.40/- p.m. was recommended.

But Longden agreed to the increase in the strength of the force. In his despatch to the Secretary of State he pointed out that taking the

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1. Administrative Reports 1867, p.250; 1880 p.32B. Of the Inspectors at least 4 in 1867 and 10 in 1880 were Burghers. During the same two years the number of sergeants increased from 49 to 208. Of them 106 were Malays 18 Native Christians, 14 Burghers and 14 Buddhists. The number of constables rose from 591 to 1333. Here too the Malays predominated with 409 men, but the Buddhists were second with 238 and Native Christians fourth with 145 men. There were 240 Hindus of India who formed the third strongest elements among the constables.
 2. C.O.54.514.235 Longden to Hicks Beach 10/7/78. There were 4 classes of Inspectors drawing Rs.840/-, Rs.1000/-, Rs.1200/- and Rs.1500/- p.a.
 3. respectively.
 3. 2 Superintendants received Rs.5000/- plus allowances while the 2 others received Rs.4000/- and allowances.

population of Colombo as 100,000, the proportion of police to the inhabitants was 1:354 whereas to the inhabitants of the island the proportion was 1:1616. But he stressed, as Campbell had done that it was in Colombo that reinforcements were really needed. Since it was not possible to withdraw men from the districts for the city it was decided to increase the force in Colombo by 1 Inspector, 22 Sergeants and 111 constables, thus making the proportion of police to inhabitants 1:240 in the city. But as the mere increase in the number of the policemen alone would be useless unless the supervisory staff was also strengthened, he recommended the appointment of a third superintendent of police for the Western Province. The time of the existing officers was too much absorbed in mere office work while the Inspector General himself was harassed with correspondence,¹ and he therefore recommended that this additional Superintendent, salary £350 a year, should devote himself to office work alone. The Superintendent of the Central Province also needed further assistance. Coffee districts were situated in there and there was also a large European population and thirty nine police stations. Strict supervision was necessary as the Police were "recruited from a class that cannot be expected to do their work thoroughly without instruction" while the subordinate officers, the native Inspectors and sergeants were "not sufficiently trained to supply the want of European supervision".² Therefore he recommended an additional

1. As early as 1870 the Inspector General had stated that whereas earlier the correspondence of the department was confined to a few hundred letters, by the former year it has increased between 10,000 to 15,000 documents a year. The bulk of this correspondence related to applications for Assistance from the public in various parts of the island. (C.O.54. 463.57 Robinson to Kimberley 19.6.70 Encl. Inspector General's letter of 17/6/70).

2. C.O.54.514.235 Longden to Hicks Beach 10/7/78.

Assistant Superintendent for Badulla.

These recommendations were on the whole sanctioned by the Secretary of State. The Inspector General was also successful in securing barracks: In 1879 the Police received a more liberal grant for buildings than they ever received before, when Robinson provided Rs.100,000 for Head Quarters at Colombo. On the disbandment of the Ceylon Rifles Regiment those barracks were also handed over to the Police. Now in 1879 Longden provided funds for three large barracks in Kandy as the Head Quarters of the Central Province. Barracks and station houses were to be provided in Dambulla, Dickoya, Muskeliya and other places. The Inspector General attached great importance to barrack accommodation as a means of improving the condition of the force. There were yet forty five police stations without Government buildings and in these ordinary dwelling houses were hired as barracks. He stressed that constables could not be expected to pay from one and a half to three rupees a month as house rent.

Fourteen years ago he had been authorized to assure them that they should be allowed married quarters.¹ More than two thirds of the force were married men with families; "... it is well that it should be so, for experience shows that these hostages to fortune are the very best quarant-ees we have not only for the steadiness and sobriety of an Eastern police officer, but for his whole character ...".² But still the promise was unfulfilled. Nevertheless despite such grumblings he had secured as much as could be expected. If Campbell had not urged an increase for the crowd

1. Administrative Reports 1879, p.37B.

2. Ibid.

of admittedly ill-paid constables and sergeants in the hope that by avoiding a major claim he could slip through a small one, he had clearly underestimated the vigilance of the Colonial Office. The one gain he did secure was an increase of the forage allowance from thirty to forty rupees a year and a promise from Longden regarding quarters and uniforms to the lowest paid Inspectors. The one point on which he failed completely was in his request for a twenty per cent increase in the salaries of Superintendents and Inspectors. The Colonial Office rejected this plea. On the whole the Inspector-general looked with satisfaction at the state of the Police in 1879. "Intellectually they are above the average of their class, which as regards Sinhalese, Hindus and Mohammadans alike may be called middle class. Most of the rank and file can speak two languages and write one; many of them speak three and write two and several speak four and five and write three. Morally they are equal to most Eastern forces and much superior to many". He even suggested that the Police might even take over some of the military duties of European troops. He added in his next report with some show of pride, that Ceylon, in relation to the size of its population and its revenues, managed to make do with both a very small and a very cheap police force.¹

It must be asked, nevertheless, whether the picture was really quite as rosy as that which Campbell painted. In 1878, a major scandal had blown up when the Chetty traders of Colombo petitioned the police in a

1. He pointed out that Burma, with a population little larger than Ceylon's required 6,842 police; that the Straits Settlements, far smaller in population and revenues, required almost as many; that Calcutta with a quarter of Ceylon's population required twice as many policemen.

body, disclosing that their rice had for some long time been stolen while being conveyed from warehouses to their shops, and that the police had been bribed by certain other traders, who were behind the thefts, to wink at this. The names of various police officers were shown to have repeatedly appeared in the books of traders as having been paid money allegedly to obtain their good offices. What was particularly scandalous^{was} that two Inspectors, Van Langenburg and Harrison were involved, who had to be suspended for neglect of duty and extortion. In 1879 Campbell was himself forced to admit: "There is no doubt that the Officers have to contend with some dishonesty and a good deal of untruthfulness on the part of their subordinates; but on the other hand the men are very sober as a rule and amenable to discipline and anxious to please".¹ Again in 1879 four hundred and seven men had been enlisted of whom no less than ninety one had been dismissed within the year.² In 1882 the question of the integrity and reliability of the police force came up for more explicit discussion by Longden owing to an incidental stricture by Justice Clarence on the police. Clarence stated that "with reference to the repression of crime little reliance can be placed upon the Police as at present constituted". While in the large towns the Police were of service from the fact of their patrolling the streets by day and night, in rural districts, not excluding the planting districts, the police were of "but little use or worse although they appear to display some activity in the levying of what is termed black mail".³ If a tithe of this was true, it might well be asked whether the

1. Administrative Report 1879, p.37B.

2. Ibid.

3. C.O.54.540.339 Longden to Kimberley 10/8/82.

great expectations entertained about the extension of the police to rural areas, had all been in vain: far from checking the abuses of the ill-famed village Headmen the police had seemingly added to them.

Longden however was quick to deny that the police were as bad as Clarence would make out.¹ There were ^{no} statistics which proved that "as a body the Police are all inefficient or corrupt" and no sensible person would advocate dispensing with them. In Colombo and the large towns where three quarters of the force was stationed, their presence was absolutely necessary for the maintenance of public order. The fact that the assistance of the police was valued in the planting districts was evident from the readiness of the residents to apply for the establishment of police stations, and to pay half the cost under the Ordinance of 1865. All that he would admit was that individual cases of dishonesty came to light now and then, though rarely proved.² He cited the observations of the Inspector General as to their moral worth. Accordingly he would not concur with Clarence.

But Longden had certain reservations and qualifications to make. These indicate to some extent circumstances to which the Government attributed the shortcomings of the Police and the lines on which it was hoped to remedy them. Reiterating what the Inspector General had said in 1878, he remarked that one of the chief difficulties was the large number of men who quit the force every year. The resulting constant accession of "raw untrained recruits must always be an element of weakness ... until the service gets popular with the Natives and attracts a class of men who will

1. C.O.54.540.339 Longden to Kimberley 10/8/82.

2. Ibid.

be content to remain in it".¹ This change was being gradually accomplished he added, enumerating the steps taken for the purpose. The over-work had been relieved by the addition of one hundred and thirty four men to the Police. The miserable lodgings in which the Police were housed had given place in certain stations to commodious barracks. Police enjoyed pension rights. "These advantages are beginning to tell ..." and it was hoped that the efficiency would rise. While thus considering the efficiency of the force as being related to the conditions and prospects of the service, Longden seems to have treated the question of corruption as a question of morality and character. "I am bound to say that considering the character of the population from which the ranks of the police are filled and the large number who are annually recruited to fill the vacancies there is but slender hope that the existing degree of corruption and inefficiency will cease".² Ninety five per cent of the force was recruited from the native population, and what was their character, he asked. "Sprung from a population among whom perjury is so common and truth so lightly esteemed it cannot be expected that the recruits who are annually admitted into the police will not share the character of that population and although we may fairly hope that the morality of the people at large will be gradually elevated by education, civilization and Christianity, we must in the meantime look to the watchfulness ^{of} European officers and of the native Inspector some of whom are men of high integrity" to expose corruption among the ranks of the forces.³ He seems to have reconciled himself to a certain

1. C.O.54.540.339 Longden to Kimberley 10/8/82.

2. Ibid.

3. Ibid.

degree of corruption, of the elimination of which he had slender hope, ~~Thus~~ holding that any improvement would depend on the elevation of the morality of the people at large. The point about Longden's argument was that unlike Clarence who would seem to condemn the corruption in the force, Longden would rather live with it. Perhaps it reflected the cold practicality of a seasoned administrator, deficient in the local Judge.

However, hardly an year had lapsed since Longden had made these observations regarding the police, when its inefficiency was conspicuously revealed in connection with the handling of a religious riot in Colombo. A Buddhist procession passing a Roman Catholic Cathedral was attacked by Catholics. The police, some eighty in number, were overpowered and it became necessary to call the assistance of the military for restoring order.¹ The report of the Commission of Inquiry which was set up, drew attention to the insufficient information possessed by the police, the defective arrangements made for handling the situation and the neglect of the police properly ^{to} uphold the law on the first appearance of disorder.² The Government itself deplored the lamentable failure of justice which had resulted in all those apprehended in connection with the riot being discharged. Although a large force of police constables had been present during it all, no prosecution had been pressed against any of the parties. The Government considered this to be "a confession of weakness of the Police authorities which constitutes a grave reflection on the character of the force".³

1. C.O.54.545.136 Longden to Derby 2/4/83.

2. C.O.54.547.306 Longden to Derby 20/6/83; Sessional Paper 1883, p. Report of the Commission of Inquiry.

3. C.O.54.548.9 Douglas to Derby 14/7/83.

Here was good evidence indeed for Justice Clarence's comment that "with reference to the repression of crime little reliance can be placed upon the Police as at presently constituted". The picture was distinctly less rosy than Campbell could have wished. And clearly, under the circumstances disclosed, the process of elevating the police by the influence of civilization and Christianity was likely to be long drawn out indeed.

Some reference seems appropriate in this chapter to the position of the natives in the armed forces of Ceylon. At the beginning of our period the military forces in the island consisted of a European regiment, with a detachment of royal artillery and the Ceylon Rifle Regiment, largely composed of Malays. The Malays had been present in Ceylon from the beginning of the nineteenth century, coming from Batavia at the time of the British occupation of Java.¹ In 1865 a Military Commission recommended that the Rifle Regiment be reduced by one third and in 1872 its disbandment was proposed.

In 1879 the Inspector General of Police suggested that the regular military forces consisting of ^{the} European regiment, might be still further reduced by replacing them with police.² The suggestion was not acted on and the military establishment of Ceylon was not further curtailed during our period. However, the authorities did recognize the serviceability of Malays in the Police force, and noted that there would be ^{no} difficulty in drafting 250 to 300 Malays as auxiliaries in an emergency.

When an emergency did arise, however, during the Boer War, and the

1. Ferguson's Directory 1883, p.321.

2. Administrative Reports 1879, p.38B.

effective portion of the 102nd Regiment was shifted for service at the Cape, ~~the~~ gap was filled not with police Malays, but with a Volunteer Corps which included Burghers, Sinhalese and Tamils as well as some Malays.

On 28th February 1881, a petition from one hundred and seventy one persons in Colombo was submitted to the Government expressing willingness to form themselves into a corps under Ordinance 3 of 1861 providing for the enlistment of Volunteers. Subsequently other persons from Colombo, and ninety six from Kandy made similar submissions.¹ The Lt. Governor signified his consent and on 13 April 1881 a public meeting was held, presided over by the Chief Justice, to select a Committee to frame the rules. An annual allowance of Rs.50/- for each efficient field officer, Rs.30/- for each officer other than a field officer and Rs.20/- for each non-commissioned officer and Private was to be paid by the Government. The corps was named the Ceylon Light Infantry Volunteers.² Barely three months after its formation in May 1881, the number of Volunteers enrolled exclusive of two companies in the course of formation in Galle and Badulla was nine hundred and fifty five of all ranks.³

In 1882, ^{except} for about 200 Europeans, the corps consisted of natives. The number of efficient members of each community in the corps, was in order of numerical strength: Burghers 393; British 197; Malays 94; Sinhalese 82; Tamils 55 and 24 others. "The Burghers as a body have proved themselves

1. Sessional Paper 1881, XVI, p.223.

2. Overland Observer 9/2/81; Overland Examiner 21/2/81 and 23/7/81.

3. C.O.54.533.216 Douglas to Kimberley 6/8/81; C.O.54.534 Longden to Kimberley, Secret 15/11/81; Sessional Papers 1881, XVI, p.223.

very good volunteers; they are very quick in picking up their drill and surprised every one by the way they handle their rifles in the manual and bayonet exercises" wrote the Commander of the corps.¹ As a paid militia ^{Malays} they would be invaluable but as volunteers it was difficult to induce them to give their time for nothing.² He added that the Sinhalese and Tamils were weak in numbers and "with a very few exceptions make but poor volunteers; they lack spirit and to the best of my belief can never be depended upon".

1. C.O.54.538.158 Longden to Kimberley 13/4/82: Encl. Armitage's Report. Of the 23 Lieutenants 4 were Burghers, while there were no Sinhalese or Tamils among the officers. (C.O.54.533.216 Douglas to Kimberley 6/8/81 and Enclosure).

2. Ibid.

CHAPTER SEVEN

THE PUBLIC WORKS DEPARTMENT I

Ordinary Appointments.

The Public Works, Surveyor Generals' and Medical Departments constituted what in ~~this~~ period were referred to (generally) as the Technical and Scientific branches of the public service.¹ All had their origins in the earliest days of British rule in Ceylon. These departments represented the physical introduction into Ceylon of nineteenth century Western scientific and technological influences. More important, perhaps, they paved the way for the growth of a class of natives more or less conversant with the ideas and skills of that technology. Just as the legal and administrative innovations of the British led to the appearance of the native lawyer, (Civil Servant), Judge and Clerk, so the scientific innovations led to the rise of the native medical man and the Assistant Surveyor. However one noteworthy feature about these native technical men was that they were also almost invariably government officials. While the natives acquired the scientific and technical skill as a means to government employment, the improvement in their prospects and the growth in their numbers were very directly related to the policies and activities of the government itself.

The Public Works Department's origin can be traced back to about 1800. During North's governorship, it was placed under a Civil Engineer

1. The railways long remained in the hands of the Public Works Department, which undertook their construction, operation and management. A separate Railway Department only appeared in 1878.

and Architect.¹ Road construction was the most important form of public works undertaken by the government. In the early decades of the nineteenth century roads were primarily intended for military purposes, and for in the absence of a proper system of roads the British hold over the Kandy and highlands was a precarious matter.

Governor Barnes who succeeded Brownrig, during whose time the Kandyan rebellion had broken out, initiated such a road policy. With the rise of the coffee industry from the eighteen thirties and the attendant commercial development of the island, roads assumed a new importance - economic instead of military. The demands for roads now arose from all directions and in the forefront of the clamour were the coffee planters. For the transportation of the coffee crop from the hills to the coastal ports and for the supply of the requirements of the plantations, notably rice for the immigrant Indian labour on the estates, roads became a pressing need. At the same time the development of other commercial and agricultural activities elsewhere in the island intensified the need for roads. By the middle of the century the modest public works establishment then existing was fast becoming inadequate to meet these growing needs. Extensive reorganization and expansion of the department was repeatedly undertaken during the period of this study. These were at every turn closely bound up with the recruitment of natives to the department and their role in it.

1.Mills:Ceylon Under British Rule,p.44

The first such reorganization was based on the findings of a Committee of the Legislative Council appointed in 1863 to inquire into the departments. The Committee reported: "the public works of this Colony have outstripped the resources of the Department both as regards supervision and labour!"¹ Thus while the vote for public works had amounted to £54,919 in 1850, it had risen to £207,203 in 1863! "For the direction and supervision of this largely augmented expenditure the number of officers remains the same"¹ In consequence the Department has been for some years been unable to execute the works for which the Council had voted money; and works generally have not received adequate supervision".

About the time the Committee was appointed the staff of the department engaged in the execution and supervision of its works consisted of about eighteen Assistant Engineers in charge of different districts and ten Pioneer Officers, each in charge of a division of pioneers. The Civil Engineer and Commissioner of Roads assisted by an Office Assistant presided over the department. For carrying on the construction of public works, the department employed a large labour force of which the pioneers formed a vital section.² This military corps of pioneers was organized by Governor Barnes as far back as 1821 for the construction of military roads. During those early days the officers in charge of the divisions of pioneers were military men.

1. Report of the Public Works Committee, 1864, p.1 - ~~Sessional Paper I,~~
island. S.S.P.I.

2. Bingham: History of the Public Works Department, Ceylon (1796-1896)
II, p.279

The whole corps was commanded by a Captain and Assistants who bore the military rank of Lieutenant. Much later civilians came to be appointed as officers in charge of divisions. The men themselves, even during the period covered by this study, however continued to be organized on a semi-military pattern and bore such ranks as Sergeant Major, Sergeant, Corporal, Artificer, Pioneer etc.¹ Besides the pioneers who formed a crops of skilled labourers, ordinary 'coolly labour' was also employed by the department; but it was to the former that the department looked for a regular and organized labour force.

The military traditions in which it had grown up then, permitted the development of a compact department, directed and supervised closely by the centre. When asked by the Committee whether it would not be ~~bet~~ better to have an efficient officer for each province Skinner agreed that it would be. But when further questioned whether, as he could not personally see to the execution of every work, he should not have a responsible officer in each province he demurred. Even though he already had two Provincial Assistants in the Northern and Southern Provinces, they did not act upon their own responsibility; as Skinner said, the term Provincial Assistant was a misnomer, 'every officer is responsible to me'.² His method of work may be judged from the system of Weekly progress reports adopted by him. These reports prepared by minor officers, though examined by the Provincial and District officers,

1. Bingham I, p. 188

2. Committee Report, pp. 11-12

were always finally scrutinised by him. He insisted that they should continue to be sent to Colombo.

The appointment of the Committee of Inquiry and the implementation of its recommendations mark the inauguration of a new phase in the history of the department. The existing state of affairs was so interwoven with the personality of Skinner himself that a break was needed from his influence too. His connection with the department had begun in 1820 and its history for nearly forty five years was largely co-extensive with his own in Ceylon.

Molesworth, Skinner's successor, wanted a decentralization of the department on a Provincial basis. This raised the question of manning the department with men of a higher calibre than hitherto. The large degree of responsibility which it was intended to entrust to the Provincial chiefs and their Assistants called for men with high professional training and ability. So long as the department was closely supervised from the centre, there was no pressing need for such men.

The Committee of Inquiry pointed out directly that 'from the great number of works in progress throughout the Island, it is not in the power of the Head of the Department to exercise over them sufficient supervision and control. In order to provide for the efficient discharge of this important duty they recommended the appointment of an Assistant Engineer and Commissioner of Roads for each of the principal provinces, whose duty it would be, subject to the instructions of the Head of the Department, to supervise the works of the

provinces. These Provincial Assistants should be held responsible for the proper execution of all works within their respective provinces¹

The enhanced responsibility thus devolving on the provincial chiefs, was also reflected in the general relaxation of the control exercised by the revenue officers of the Civil Service over the department. Hitherto the Government Agents of the different provinces had a considerable voice in the work of the department. Even in matters of minor detail the officers of the department had to work in consultation with them. With the infusion of professional men into the department as envisaged by the Committee, the need for such interference did not arise. The era when the Civil Service had dominated even the technical branches of the public service was approaching its end. Accordingly the Committee pointed out "It not infrequently happens that an Agent finds it impossible to inspect roads or works for report thereon until many months after their completion.". The 'completion reports' were henceforth to be forwarded by the Provincial Assistants 'who were better qualified to certify to the proper completion of the works than the officers at present charged with that duty'. The Provincial Assistant of the Public Works Department was becoming no less important and responsible an officer in his own specialised sphere of work than the Agent was in his.

1. Report of the Public Works Committee, 1864

Following the Report of the Committee of Inquiry, the island was divided into six departmental provinces, corresponding as far as possible with the revenue divisions. Each province was in charge of a Provincial Assistant, to be assisted by an Estimator and Draftsman, a staff of superintending officers, Pioneer Officers, Clerks and Overseers.¹ The extent, as well as the spirit of the change, resulting from the infusion of professional men from England is indicated by R.D. Oronsby, the Director of Public Works, Hongkong, who had belonged to the first batch of recruits to Ceylon, under the new scheme of 1866. "The first officers of the Department were military officers, seconded for special services, coffee planters who had not succeeded in that line of life and others connected to Ceylon without any training as Civil Engineers".² In contrast he referred to the recruits of 1866, all of whom had received more or less of a professional training. Commenting on the changes that were further taken to raise the professional level of the department he observes "Despite the changes the quality of the officers did not ^{improve} ~~improve~~. The Director wrote that the officers were deficient in abilities and practical knowledge and ~~that~~ that they have little or professional experience".³ He attributed

1. Besides the Central Office, the officers in the Provincial Establishment were paid as follows:

- 6 Provincial Assistants - £600 rising to £1000 p.a.
- 6 Estimators and Draftsmen - £400 rising to £500 p.a.
- 20 Superintending Officers drawing salaries varying from £200 to £400 p.a. £236 each.
- 20 Pioneer Officers £236 each. (Administrative Report of the Director of Public Works, p.150).

2. History of the P.W.D. II, p.201

this to a number of causes. There was much difficulty in recruiting when vacancies occur^{ed}. The Colony did not offer a field for it and the young men selected in Ceylon seldom possess either the qualifications, experience or special training which all should acquire, who enter a scientific branch of the public service. This had led to the filling up of vacancies with those who have had real or fancied claims on the Government or the sympathies of the public. Young men thus appointed are usually sent to outstations to pick up such experience as they can in a bad school, and overworked and confused with the novelties and intricacies of the system of returns and accounts, they not infrequently lapsed into apathy and indifference or became involved by the trickery of native clerks or Overseers"¹ Senior officers had little time or inclination to train these subordinates at outstations. While thus criticising recruitment in the island in so far as it continued to linger on, he also drew attention to the difficulties attaching to recruitment abroad. An attempt had been made to remedy the want of experience by selecting officers in England; but the result can scarcely be said to be satisfactory, for out of the twenty one officers lately sent from England, ten had proved to be valuable men, whilst six had not been better than ^{the} average of these selected in this country, and five had either left, failed in health or turned out to be worthless. These comments indicate that higher salaries alone had not ensured the selection of proficient officers. A proper system of

1. Administrative Report of the Director of Public Works, 1867, p. 151

selection was required. Molesworth himself did not propose a remedy. He was content to observe, however: "but even with this unsatisfactory result I believe the advantage rests in favour of selection in England".¹

There was one particular branch of the department in which Molesworth directly admitted natives to be preferable to Europeans. "The native Officers appear to me to be as a rule better adapted than Europeans to command Divisions of Pioneers. Their knowledge of the language and native character gives them great advantages over the Europeans and enable them to excel in working their men; and the pay and position renders their appointment an object of importance and stimulus to exertion, although it is the reverse to an European".² Owing to the difficulty of obtaining a ready supply of skilled labour the Pioneer force had been maintained by the Government during the first part of the century.³ Their usefulness was accepted during the greater part of the period of this study. Oronsby observes that without them the labour could not probably be obtained to open the Badulla-Batticaloa road of over hundred miles in four or five years; to restore irrigation works at Horaborawewa, Rugam, Irakkamam, Amparai and Kalawewa. "They were a force of skilled men, and first rate masons, miners, carpenters etc. working for what now (in 1917) seems absurdly

1. Administrative Report of D.P.W. 1867, p. 151

2. Ibid. p. 151

3. See p.

low wages. First rate masons and stone-cutters at 1 shilling a day can scarcely be beaten for cheap labour in any country".¹ The force was recruited entirely from Madras. Skinner had been not only a firm believer in pioneers, but, as Oronsby states, "trained some excellent, native Pioneer Officers. Skinner refers to an instance where fifteen miles of road which had been at first estimated to cost £30,000 was finally executed at a much lower sum through the agency of native pioneer officers. Referring to this in his autobiography, after his retirement from the department, he adds "If this story is ever read by the Public Works Department of Ceylon, it may help to show the value of a little care and system, and what can be done by departmentally trained natives".² Even after Skinner's retirement, his successors too could not overlook the usefulness of these native Pioneer Officers, trained by Skinner. Most of the native Pioneer Officers were Tamils and a few were Sinhalese. The common bonds of language and custom existing between the pioneers themselves and the Tamil officers made them more useful to the department. C. Patterumal was the first native Pioneer Officer to command a Division in 1855.³ Two of the most distinguished of these were Armstrong and Welupillai. They rose further in the department and it was apparently to them that Governor Gregory repeatedly referred in his despatches

1. History of the Public Works Dept. I, p. 182; Ibid. II, p. 203; Cf. also evidence given before Public Works Committee, 1864.

2. Skinner: Fifty Years in Ceylon, p. 246

3. Bingham, I, pp. 182-183

in complimentary terms. "Two of the most able officers in the Department of works are Tamils. Their constructions would be a credit to any country".¹ Armstrong was appointed to the Department in 1858 and died in harness in 1890. In 1876 he was promoted as Superintending Officer and in 1885 as District Engineer. He served in Jaffna in these two capacities.² On his death, the Director of Public Works remarked that "no officer of the department, whether European or native ever left a better record".³ Similarly Welupillai was Pioneer Officer from 1855 to 1866 when he was promoted as Superintending Officer of Ratnapura.⁴

It appears to be, partly, the reputation which a few of these officers acquired for themselves that prompted Molesworth to acknowledge the special fitness of natives to command pioneer divisions.⁵ However, although these officers trained during an earlier period by Skinner, were themselves promoted to higher positions in recognition of their services,^{neither} Molesworth nor his successors appear to have continued to adhere to Skinner's policy of recruiting them from natives. The reasons given by Molesworth for departing from that policy were somewhat paradoxical. "I would be inclined to increase the number of native officers in the Corps, were it not that the command of a

1.C.O.54.498, Gregory to Carnavan, 28.11.10.75

2.Bingham, II, pp.136-137

3.History of the Public Works Department, I, pp.182-183

4.Ibid. II, p.127

5.Bingham, I, pp.182-183; Ibid. II, p.127, 136-137

Division serves as a good school for European officers and fits them to fill higher grades; for useful as the native officers are as Pioneer Officers, it is seldom advisable to promote them to the more responsible posts".¹ Although, in fact, a few were so promoted, the continued recruitment of additional natives as Pioneer Officers would have come up against the new policy of the department of putting a premium on professional training. For whatever ability the native officers might acquire in the course of practical work they did not possess any such formal professional education as could be acquired in Europe. Thus even this grade of service, wherein natives had made some headway came to be increasingly filled by European professional men. Thus whereas in 1863, and 1866, the number of native Pioneer Officers was 4 and 7 out of a total of 10 and 13, in 1873 and 1876, then was only 1 native out of a total of 12 and 10 officers respectively.

In the meantime, with the increasing availability of skilled labour in Ceylon, the value of the Pioneer force itself had begun to decline. In 1876 the post of Officer commanding the Pioneers was abolished. However a strong force was still necessary for maintaining irrigation and public works in 'unhealthy districts where hired labour could not be induced to go and where a superior class of work is needed'.² In 1880 the number of division was reduced from ten to

1. Administrative Report, 1867

2. Administrative Report of the Director of Public Works, 1879.

seven, of 100 men each. He wrote in 1882 that the strength of the force being greater than was required, owing to the extension of the system of executing public works by contract and 'the abundance of skilled labour to be hired all recruitment for the force has been stopped.

Although the general tendency during this period, therefore, was in favour of the recruitment of English trained professional men and against the admission of natives into the department, Gregory's governorship was marked by an attempt to modify this policy to some extent. The reorganization of the department initiated by him in 1873 indicates this. It has been seen that already in 1867, the then Director of Public Works, Molesworth was complaining of the unsatisfactory results of the attempt to recruit officers in England. He had however been content to express a hope that in time the position might improve. This hope was not realized. Thus in 1872, Molesworth's successor, Mosse was no more complimentary in his assessment of the recruits from England, than Molesworth had been. He said that a young man without any engineering education or training and experience on joining the department on a salary of Rs.2360/= p.a. was appointed 'nominally to command a Division of Pioneers, but practically he is sent to learn his duties'.¹ He was usually ignorant of levelling and surveying, the most common duties of an Engineer. Gregory agreeing with the Director, drew attention to the fact that, although the absence

11C.O.54.489, Gregory to Kimberly 344.11.11.73: Mosse's Report

of professional education was of small account some thirty years ago, when there was little traffic and no costly irrigation works.¹ However, he objected to any further increase of expenditure on the department. "The fatal error hitherto committed ... has been the raising of salaries without obtaining the smallest amount of increased efficiency".² Therefore, he attempted to obtain better proficiency by other means. What was needed was not higher pay but a more systematic form of recruitment. He took steps to ensure such recruitment.

The other important feature of Gregory's plan was to recruit natives. Here too he agreed with Mosse that the radical defect in his plan was that of selecting his officers altogether in England. This shut the door in the face of natives. This was unjust and inexpedient. "There have been and there are still in the department most valuable native officers and I can see no reason why more should not be admitted".³ Gregory held that the Public Works Department and the Surveyor General's Department were two in which natives could be introduced with the greatest advantage. The knowledge of the language and the character of those with whom they had to deal were important qualifications. He thought the objections regarding natives as being untrustworthy were too sweeping "Many natives have been employed in the ... department of Works whose strict integrity combined with ability has been unquestioned. If attractive positions were offered to them many would prove

1. C.O.54.489.344 Gregory to Kimberley 11/11/73.

2. Ibid.

3. Ibid.

deserving of confidence". Accordingly he proposed a scheme of recruitment to the department, of natives, while the Secretary of State was to nominate four English candidates for each vacancy in the future, the Governor was to nominate two natives for each alternate vacancy. After passing an easy examination they were to enter the department as Inspectors on a salary of £150 p.a. Thus the Governor would be able to add two natives on the salary of one European. The Secretary of State approved the scheme but expressed caution that the efficiency of the department might be affected by it. He wanted the number of natives to be thus admitted limited for some time to come. The scheme was to be considered as tentative until experience proved it successful.

However, Gregory's hopes of advancing natives in the department were exaggerated. In view of the availability of professionally qualified Europeans to a larger extent than in the past there was little prospect of natives rising in the department even if able to enter it under the new scheme. Even the number admitted during our period was itself limited. Only one Burgher and one Sinhalese were appointed as Inspectors in the years 1874 and 1879. While the prospects of entering these staff grades of the department diminished in this manner there was one lower grade of supervisory agency in which natives were exclusively employed - that of overseer.

THE PUBLIC WORKS DEPARTMENT II

The Overseers.

The lowest grade of supervisory agency employed in the Public Works Department was that of Overseer. Unlike in the higher grades discussed above, Overseers were almost exclusively recruited from natives. Problems pertaining to them were substantially different from those of the higher grades that they might be dealt with separately. Moreover being men on the spot having direct supervision over gangs of hired labour, they were far more numerous a group than the other Officers. Somewhat in the same manner as the agency of native Headmen had to be employed as a direct link between the British Civil Servants and the people of the island in administrative matters, the Overseers linked the Departments' technical staff and its labour force. Much depended therefore on the integrity and efficiency of these Overseers and this question received considerable attention in the Report of the Public Works Committee of 1864. Specific recommendations were made to that end by the Committee.

Among the questions concerning them, inquired into by the Committee were their rates of pay, the degree of responsibility imposed upon them by the department, the strength of the working parties assigned to them, their general usefulness and trustworthiness. Besides oral evidence, written answers were invited to a questionnaire on these aspects. The Report shows that their pay varied from 1s.6d. per day to 4s. per day. According to

Skinner, they were each in charge of from ten to four hundred men, though actually only one overseer had under him as much as the latter number. But many did have between hundred and two hundred men under them. Their duties and responsibilities were enumerated by a number of witnesses. They had to see that every man employed gave in work^{to} the value of the wages paid; they were entrusted with the issue of rice to the coolies. They were responsible for the collection and retention of their gangs, for which they had to make advances out of their private resources. They kept a check-roll of those employed on the basis of which the labourers were paid by the department.¹ There was one responsibility however which no overseer was ever entrusted with - the payment of their labourers. This had to be done in the presence of an European Officer, though the vouchers were prepared by the overseers.

On the question of their trustworthiness and usefulness there was a degree of divergence of opinion among the various Officers who gave evidence before the Committee. Skinner said ~~that~~: "Some of the best superintending officers I have are Natives and I believe them to be perfectly trustworthy. As a rule native overseers are clever and intelligent men and if their integrity was equal to their ability I should recommend their being much more extensively employed in responsible positions".² But he held that the department must always depend on natives. "... we are neither doing justice to ourselves nor to them in withholding from them, that encouragement which every useful man required and deserves ... A theory has been held and too closely adhered to that a very small salary is sufficient for a Native in my Department; this I believe to be a grave error and until we adopt a more

1. Report of the Public Works Committee, 1864. pp.16-17.

2. Ibid. p.56.

liberal system of rewards for merit and more prompt punishment for misconduct, we shall not prove the extent of reliable means which may be available in the Native element".¹

Other witnesses were more critical of the integrity of the native overseers. But it was from H. Byrne, the Assistant Civil Engineer for the Central Province, that a directly opposite opinion to that of Skinner emanated. Despite all the shortcomings of the overseers, very few had contemplated replacing them by Europeans. Byrne did. In his written evidence he stated: "They are not so useful because not so well-educated or so energetic as Europeans. We never trust them with money; but we are compelled to trust them with money's worth in labour and materials, though we have not generally full confidence in their deserving that trust".² It was not educational deficiencies, as in the higher grades, but a failure of character which was held against the overseers. Byrne elaborated his views in a special memorandum to the Committee. Apart from small works which might be effectively supervised by native overseers, there were six different lines of roads in his district (the Central Province) on which £14,000 were to be spent requiring the daily employment of 12,000 men in gangs varying from 100 on the smallest work to 360 on the largest. Each of these gangs was superintended by a person whose salary did not exceed 4s. per day. "The character for integrity of men in the Colony whose ... services are worth no more than 4s. per day cannot be expected to be very high ... To those who have never employed labour and who have no practical knowledge of work it is perhaps impossible to show convincingly that the result of employing

1. Report of the Public Works Committee, 1864. p.56

2. Ibid.

men of this description in so responsible a trust must be a fearful amount of waste ... if not of downright fraud ... on the part of those employed".¹ Private employers of labour recognized this beyond doubt. An owner of a coffee estate requiring a force of 200 men would either superintend his coolies personally or employ a European on a salary from £300 to £400 p.a. knowing that this would be cheaper than employing the like of those employed by the department. Byrne then explained that he had had occasion to examine the relative cheapness of European and Native superintendence, when he was in the Northern Province some time ago, to see whether the latter might not advantageously supercede the former. But though anxious to prove this to be so, he had found on comparing similar works managed under the two systems that the cost per yard was the same. This was the case although European superintendence cost from twenty five to thirty per cent and superintendence by Native overseers five to ten per cent of the whole outlay. But the waste of money and the chances of fraud were not the only evils arising from low-priced superintendence. As^a European Officer had to personally pay the coolies even where the native overseers were employed, it took up much of the former's time. The duties of an Officer in charge of a district were understood to be administrative rather than executive, however small it might be. Where, as in his case, the district consisted of a whole Province, he could do little more than make a complete tour of it once a month. But this was impossible where a number of works were inefficiently superintended. Thus the District Officer's time was "frittered away attending to details, which under a better system should have been looked after by the Superintendants.

1. Report of the Public Works Committee, 1864. p.56.

"I hold that on every ground of economy and expediency the present system of low-priced superintendence for large works must be got rid of and that to secure satisfactory results we must employ European Superintendants on all works requiring 100 hands - and upwards for their execution".¹ However, Byrne admitted that all working parties could not be placed under European superintendence. Those in the outlying areas which were small had to be left under native overseers. But 50 men should be the largest number that should be "overlooked" by them.²

Byrne like Skinner acknowledged though less explicitly that deficient integrity^{was} owing to low pay, but unlike the latter who would pay more to remedy the evil, Byrne advocated the substitution of European agency in a large way as the answer. Replying to a question in the course of his oral evidence he said that if higher rates were paid, men from "what is called the respectable class of ... natives" might be probably procured. But he added with notable pessimism "It is a question whether their character for integrity would be better than those already in employment."³ His impression was that only a very limited number were trustworthy. However besides Byrne another Officer, J. F. Churchill, the Assistant Civil Engineer of the Southern Province expressed a passive approval for substituting European overseers in place of natives, but he brought out the financial implications involved. To do so, in his view, an European would have to be paid £200 p.a. with the chance of promotion to the fixed establishment and given a horse to go over the district. Although they did not advocate the substitution of

1. Report, 1864. pp.47-48.

2. Ibid. p.23.

3. Ibid. p.22.

European Officers, a number of other Officers also referred to the deficient trustworthiness of native overseers. Hall, the Officer at Badulla said: "In this district with one or two exceptions, the overseers are worthless. No man worth anything will work for £2.8s.0d. p.m. when domestic servants in Badulla get £2 p.m.".¹ Cummings said that it was notorious that they were nearly all "arrant cheats", though a few were honest. In his view, at least five per cent of the amount annually spent on public works was embezzled by overseers and at least another five per cent wasted through their ignorance and indifference.

With this evidence before it the Committee set out the problem in its Report and made various, rather hesitant suggestions. On the whole it recognized the need to rely on native recruits in this grade of the service. The Report acknowledged that a large proportion of the votes of the department were expended "on works entrusted to the charge of native overseers". Referring to their low rates of pay, absence of promotion and uncertainty of employment, the Committee observed: "The actual payment of the working parties and for materials delivered to them is not entrusted to them, but the check-rolls and vouchers on which payments are made are prepared by them and ... such a system should not continue to exist. The amount of daily pay given to this class of persons is not sufficient to attract respectable natives to the Department, to which must be added the uncertainty of employment".² But the Report did not recommend any definite scheme of increased remuneration, besides indicating its need broadly.

The Committee also reported on the practical difficulties of working

1. Report, 1864. pp.56-57.

2. Ibid. p.VI.

the system as then constituted. The Report said ^{that} apart from the question of honesty, there was the equally important one of the fitness of the native overseers for performing the duties entrusted to them. As the District Officers of the department seldom visited outlying areas more frequently than once a month, and that to make payments, the errors committed by overseers through ignorance and indifference led to a serious loss of time and money. The loss had been estimated to be variously between £5000 and £10,000 a year. This required an improvement in the supervision exercised by the higher staff over the overseers. But the committee did not make any recommendations for achieving this. Instead it recommended a scheme of assigning work to the overseers with greater discrimination and according to the strength of the working parties. The supervision of working parties too small to allow of European superintendence, it suggested, should be entrusted "only to persons of respectability regularly trained to the work and to secure such persons ... a better scale of remuneration with the prospects of promotion or periodical increase, with pensions on certain conditions should be held out as inducements".¹ All working parties of over fifty men should be in their charge and to ensure this the number of such Officers should be increased. Even under this arrangement of course working parties of less than fifty men would remain in charge of the inferior overseers who were the majority. The Committee's view seems thus to have been that advance should be made by recruiting a better class of natives rather than by an extension of European agency.

The Committee also considered the question of the education and

1. Report, 1864. p.VI.

training of the overseers.¹ Overseers had to possess certain basic skills. They had to keep the check-roll of those employed under them on which payments were made by the Officers. They had to count and take over materials for work. Again it was on the basis of their progress reports of the work done and of its cost that all subsequent reports and data tables were formed.² According to Skinner, "The better class of overseers, read and write English and keep their accounts with as much (and often with more) accuracy and regularity as European Officers".³ Cayley said that the men usually employed "were of the same class that usually supplies clerks and men of that grade".⁴ But overseers constituted a widely varying range of men in regard to education and ability.⁵ At the one extreme was a man like J. H. Senanayaka, the son of a Colonial Chaplain, who after matriculating at Calcutta University in 1868, joined the Government Factory as an apprentice in 1869, and went on to rise from Overseer to Inspector and in 1876 passed first in the examination for promotion to Superintending Officer. At the other end were those who were "worried by the system which required them to furnish the most elaborate progress reports of the work". Cumming said that "few of them can even read and write tolerably; many of them can write only Cingalese (sic) and Tamil; most of them are very ignorant and stupid; yet they are required to furnish reports in which difficult calculations occur and the contents of solids and superficies must be given; and as a consequence few remain long; some are dismissed others leave in disgust".⁶ This resulted in loss of work as new

1. Report, 1864. p.VI.

2. Ibid. pp.55-56.

3. Ibid. p.55.

4. Ibid. p.7.

5. C.O.54.514.313 Longden to Hicks Beach 18/9/78.

6. Report, 1864. p.56.

and inexperienced men had to be employed when changes occurred. The Committee recognized the need to raise the level of training of these men.

The island offered few facilities for training of a better class of overseers. Although there were a few "Industrial Schools" in the island they appear to have been of little use in meeting the requirements of the department.¹ The one effective training institution was the Government Factory. It employed in 1864 about one hundred and fifty men of whom seventy five per cent were skilled workmen. Of them almost all were Sinhalese and Tamils, with a handful of Burghers. Larkum the Engineer in charge of the Factory ~~had~~ started a training scheme and turned out about twenty two apprentices. But though the scheme had progressed satisfactorily the department began to lose them, as soon as they "began to be skilful".² They had to be articulated for three years, but after that they left the department because they received better wages elsewhere. The apprentices were trained not as skilled labourers but as overseers of working parties and were fit to be placed in charge of any work. During the apprenticeship they were paid 4s. per day, but of those who had remained with the Government after training while two received £100 p.a. each, others were paid only 4s. and some as little as 2s. per day. Eventually the scheme was abandoned as the department needed skilled labourers more than overseers.

Members of the Committee now expressed a desire to revive the scheme. C. A. Lorenz the Burgher member of the Committee questioning an official of the department asked whether it was not a fact that one of the men

1. C.O.54.432.8. Robinson to Cardwell 14/1/68; Report of Education Committee of 1867.

2. Report, 1864. p.19.

trained at the Factory had put up a bridge better than those put up by Officers in the Civil Engineer's Department.¹ In its report the Committee observed that "a corps of properly trained overseers for small working parties is greatly needed ... This want might be met by apprenticing lads from the orphan school or elsewhere for regular courses of training in Mechanics at the Factory and afterwards under Pioneer Officers ... If this system were adopted and a fair rate of remuneration given to such lads, both during and after their training and apprenticeship ... a very useful staff of overseers might be trained ... The system of apprenticeship formerly tried was not successful because the training was confined to the Factory and the class of youths trained had higher expectations than could be realized in the Department".² After 1864 the practice of training apprentices was revived in a modest way but the proposal to train overseers does not appear to have been pursued. As will be seen the necessary preliminary to any such scheme - the improvement of the pay and prospects of overseers - was not carried out, so that as the Examiner complained in 1872, the scheme was not given a fair trial.³ Indeed even as late as 1880 the difficulty of providing suitable posts for such as those who completed apprenticeship appears to have continued. A correspondent pointed out that apprentices should be found employment in the department after completing training. Some of those who had passed all the examinations were still unemployed.⁴

1. Report, 1864. p.19. Lorenz as a member of the Central School Commission took an interest in the advancement of the Mechanic class of Portuguese descent. (Digby, Morgan, II p.228).

2. Report, 1864. p.VI.

3. Overland Examiner 17/9/72; 11/5/74.

4. Overland Examiner 8/1/80.

The Committee of 1864 had made clear that in its view it would continue to be necessary largely to employ native overseers. It had expressed a desire to see positive steps taken to secure their technical training and had urged the selection of a better class of men to whom responsibility could more safely be entrusted. It had shown that improvement must also turn on improvement in pay and prospects if men with technical skills and the knowledge of English required for the handling of written work were to be obtained. In forwarding the Committee's report to Cardwell in 1865, however, the Governor Robinson showed no interest in improving native prospects. Rather in forwarding to the Secretary of State certain proposals for improving the state of the Department, involving an increased expenditure of £18,196.2.6., he submitted a scheme for raising the salaries of the higher staff and urged the recruitment of European Officers for these posts. Under the existing system money was robbed or wasted through inefficient supervision. As proof of this he referred to an incident which had occurred during the past few days, and was illustrative of the condition throughout the island. Owing to mismanagement during the construction of a new road in the Central Province, a system of wholesale robbery by means of false returns and labour lists had been perpetrated for a considerable length of time with impunity by the native overseers in charge of the work.¹ According to the Auditor General the amount so defrauded alone would be sufficient to place the department, for the province, in an efficient state. Robinson attributed the loss to the want of European superintendence. The Auditor General adopting the same view, also referred to the fact that private owners of property had found it indispensable to employ European superintendants

1. C.O.54.402.62 Robinson to Cardwell 15/6/65.

and managers to guard themselves against frauds practised by native overseers.¹ Thus it appears that the Government ignored the arguments of the Committee and chose to rely on greater European superintendence to improve the state of the department.² In so doing it ignored the fact that the numerous small scale works all over the island could not be directly supervised by the European Officers who were of necessity compelled to act through overseers.³ The analogy between the European Officers of the Public Works Department who had to superintend a large and loosely knit district, and the superintendants of compact private estates who had direct control over their men, was also somewhat misleading.

However despite the recommendations and findings of the Committee little was done to improve the condition of the overseers either in regard to their prospects or their training and efficiency. The new Director of Public Works, Molesworth who succeeded Skinner, was also more interested in raising the calibre of the higher grades of the service and appears to have done little or nothing to improve the overseers. In his first administrative report after assuming office, while elaborately setting out the steps he had taken and intended to take for achieving the former objective he dismissed the latter with a few remarks. The native overseers, he said, when found to be careful and trustworthy were more valuable than Europeans of the same class, and an endeavour was being made to improve their standard, by registering and dividing them into classes for purposes of promotion.⁴

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1. C.O.54.402.62 Robinson to Cardwell 15/6/65: Encl. Auditor General to Colonial Secretary 25/5/65.
 2. C.O.54.404.135 Robinson to Cardwell 16/9/65; C.O.54.406.13 Robinson to Cardwell 12/1/66.
 3. One officer giving evidence to the Committee had pointed out that responsibility had to be given to the overseers in proportion as the works were distant from the head-quarters: in his case he said he depended very largely on the overseers.
 4. Administrative Report of the Director of Public Works, 1867.

But nothing substantial was done till 1875, when Mosse was Director, and even then the initiative came from the Governor, Gregory.

Gregory's efforts to check the tendency on the part of the departmental authorities to rely solely on foreign recruits in filling the higher grades of the service, by selecting a limited number of natives for promotion to those grades, has already been noticed.¹ His proposals regarding the overseers were of a piece with that policy.² On the instructions of Gregory, Mosse the new Director was told that "the constant and heavy demands of the Public Works Department on the Government for additional European Officers, to which the Governor is not prepared to accede, have directed his attention to the subject of road supervision which he is convinced may be carried out far more cheaply and efficiently than at present".³ The Governor was of opinion that "the whole of our overseeing system should be carefully revised and that native agency should be far more recognized than at present. There is no doubt that an active and experienced native Officer will get more work and better work done than the generally young and inexperienced European Officers. But it is necessary in the first instance to make the most careful selection of such overseers".⁴ He suggested that overseers be classified and that appointments to the first two classes be made not by the Provincial Assistants but the Director of Public Works himself on the former's recommendation. These overseers should supervise the upkeep of short lengths of road, receiving instructions from the Provincial Assistants

1. See chapter vii, part I.

2. C.O.54.498.287 Gregory to Carnarvon 11/10/75.

3. Ibid. Encl. Colonial Secretary's letter to Director of Public Works 11/3/75.

4. Ibid.

who would in turn inspect their work, Initially the first two classes should be restricted in number, appointing to them only a few Officers of incontestable merit.

Byrne and Tatham, two of the principal Officers in the department accordingly drew up a scheme of classification and promotion on the lines indicated by Gregory. Overseers were henceforth to be recommended for enrolment by Provincial Assistants after a probationary period of not less than one year. They were then to be grouped into four numbered classes. Every overseer was to be issued with a book in which the Provincial Assistant was to make records of his conduct and service. Half yearly reports on the conduct of overseers were also to be sent to the Head Office by the Assistants. Promotion was to depend solely on the good conduct and merit, without any reference to seniority.

The number of Overseers in each class
with their salaries (per day)*

	1st Class	Rs.cts.	2nd Class	Rs.cts.	3rd Class	Rs.cts.	4th Class	Rs.cts.
Western Province	10	2.50	15	2.00	25	1.50	50	1.00
Central Province	10	2.50	10	2.00	20	1.75	40	1.50
Southern Province	5	2.50	10	2.00	15	1.50	30	1.00
North								
Western Province	3	2.50	5	2.00	10	1.50	30	1.00
Eastern Province	3	2.50	10	2.00	8	1.50	30	1.00
Jaffna Peninsular		2.00		1.50		1.00		.75
Northern Province	5		5		10		20	
Mainland		2.50		2.00		1.75		1.50
North								
Central Province	2	2.50	3	2.00	10	1.75	15	1.50

* C.O.54.498.287. Gregory to Carnarvon 11/10/75.

Byrne and Tatham, going beyond the suggestions of the Governor, proposed that a further higher grade of overseer be created, that of Head Overseer. The number of such posts was to be very limited, would be borne on the Provisional Establishment and would carry a salary of Rs.1000/- a year, being thus distinguished from the posts on a day rate. In recommending the creation of this new grade they were influenced not merely by the probable importance of the duties which might be attached to such posts but also by the desire that they should be looked upon by the overseers as a reward for long and meritorious service.¹ Further on the recommendation of the Director as to their character and length of service they were to be entitled to a retiring allowance. Although the Head Overseers were not to be considered as a part of the higher establishment of the department, Byrne and Tatham even saw, "no reason why as an exceptional case a Head Overseer should not rise to the position of Inspector, provided he qualifies himself" and his conduct is specially meritorious.² However it was to be distinctly understood that there would be no claim as of right to such appointments.

Gregory accepted the scheme. In submitting it to the Secretary of State, he pointed out that by "an improvement of the overseeing system and by the employment of respectable natives ... for the supervision of roads" the necessity for the recruitment of a large number of European Officers could be obviated.³ The scheme would not involve a large increase in

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1. C.O.54.498.287 Gregory to Carnarvon 11/10/75: Encl. Byrne and Tatham to Director of Public Works, 24/8/75.
 2. Ibid. Encl. Byrne and Tatham to Director of Public Works, 24/6/75.
 3. C.O.54.498.287 Gregory to Carnarvon 11/10/75.

expenditure.¹ The increase in expenditure would be the difference between the maximum pay hitherto drawn by overseers and the rate at which it was now proposed to pay the Head Overseers. Even when all the twelve latter appointments were filled this increase would be Rs.2,610/- p.a. Although a further increase might be caused by the proposed pensions to Head Overseers, as such pensions would only be granted after long service and on the Head of the Department certifying as to their good character, Gregory did not expect the additional expenditure to be large. He urged that the scheme be approved. "Overseers at present have nothing to look forward to but their daily pay. They may be got rid of at a moment's notice. In too many instances their only object is to amass as much money as they can pick up by fair or foul means, and yet among them are men of high intelligence, great experience and thorough knowledge of work and wisdom enough to see that honesty is the best policy if it be made the best policy for them too. Two of the most able Officers in the Department of Works are Tamils ... If we can give them a chance, I have no misgiving but that equally good officers will be found among our overseers".² Gregory's scheme was an improvement in the conditions of the overseers only in two respects, the creation of the grade of Head Overseer, and the prospects of promotion based on classification. But as is evident the rates of pay of the overseers as a whole remained much the same as heretofore. For these reasons it could not be expected that the

1. The pay of the ordinary overseers, according to the new scale was not substantially different from that paid at the time of the Committee of Inquiry of 1863. The rates then were 1s. to 4s. per day for registered overseers, and 2s. to 3s. a day for unregistered ones. The registered overseer contributed to a pension fund. Even the registered overseers were not paid when not employed. There was a large number of unregistered overseers as the demand for overseers was generally considerable. (Report of Committee, 1864. pp.16-17).

2. Ibid.

the overseers' efficiency or integrity would be appreciably improved by his reforms.

Gregory's insistence upon improvement in the Overseer system might be part and parcel of his general attitude to the wider employment of natives, but it was given added importance by the rapid development of road transport in Ceylon. New roads were being constructed and with the expanding volume of traffic the problem of maintaining existing roads in a constant state of efficiency was also growing. Indeed at this time the Home Government was beginning to query what seemed an excessive cost of upkeep of roads in Ceylon.¹

An improvement in road maintenance had been introduced after 1864 when the old practice of using the whole annual vote on road repairs within a short period and then abandoning the roads to their fate for the rest of the year was replaced by a system of all the year round maintenance.² Under this system, which was steadily extended, fixed working parties of from two to five men per mile daily made good the wear and tear on their sections of the road. This was a system used in many countries in Europe, and the 1864 Committee anticipated that, given a larger and more efficient supervisory staff, it would prove economical in Ceylon.³ The system of regular maintenance worked, but it was expensive, for reasons which will be discussed later. The attempt had therefore to be made to find a more economical system, for the cost per mile had reached the prodigious figure of £57 per

1. C.O.54.594.70 Gregory to Carnarvon 26/10/74.

2. Report, 1864. p.VII.

3. Ibid.

mile, although less than a thousand miles were metalled.¹

Gregory defending his Public Works Department pointed out that Ceylon was a difficult country - much damage to roads was done by tropical rains, and more by the use of narrow tyred wheels on heavily laden carts, while labour though cheap was inefficient. But the Governor had also sought for a remedy for rising costs. Believing that the cheapness of Irish road work was due to "repairs being let on small contracts", he had sought to introduce the contract system in Ceylon too.² He had found this impracticable, however as no reliable small contractors could be found. As Byrne, the Assistant of the Central Province had stated in 1864, the contract system would greatly reduce the burden of European supervision - could the contractors be found. But in the Central Province alone 2500 coolies had to be imported from India at a cost of about £10,000 and "such a fraction of this amount as would be debited against each of the works is what a few persons disposed^{to} take contracts could command and what few still would be inclined to risk; but men must face the risk if they mean to contract for works".³ It was true that the contract system had worked successfully in the construction of buildings, where plans, bills and specifications of quantities could be supplied, but road maintenance was not adapted to such clear cut contracts. The 1864 Committee had therefore chosen to rely on the creation of a corps of skilled overseers to supervise the system of daily maintenance. Now Gregory's attempt to introduce a system of minor contracts had failed, and

1. C.O.54.594.70 Gregory to Carnarvon 26/10/74.

2. Ibid.

3. Report, 1864. p.48.

even the experiment of letting the repair of eighty miles of the Peradeniya-Badulla road to two railway contractors had proved unprofitable.¹

The Secretary of State continued, however, to complain about the rising cost of road maintenance. It was shown that Ceylon's costs compared favourably with those in India but the Home Government still pressed Gregory's successor, Longden to reduce them.² The Governor repeated his predecessor's explanations of the difficulties faced by the Public Works Department, and repeated also the efforts to introduce the contract system in place of maintenance carried out by departmental overseers.³ In his correspondence with Hicks Beach, however, he showed himself anxious to raise no false hopes. In the low country, where traffic was light and easy, he hoped that small contractors might be found, but he held it impossible to find such men in the mountainous areas. He also made it clear that initially no great savings could be expected from the introduction of a contract system. His own experience of the main Northern road confirmed that, for all the fourteen tenders submitted had exceeded the figure quoted by the department. "It was not improbable", he said "that in time the contract system can be established and that it may be found hereafter to be more economical ... It must however be introduced gradually".⁴

Longden also drew attention to the laws and customs governing the maintenance of roads in Ceylon. Comparatively few roads were kept up at

1. C.O.54.594.70 Gregory to Carnarvon 26/10/74.

2. C.O.54.501.49 Gregory to Carnarvon 16/3/76; C.O.54.513.295 Carnarvon to Longden 8/11/77; C.O.54.521.262 Hicks Beach to Longden 28/10/78.

3. C.O.54.513.171 Longden to Hicks Beach 9/6/78.

4. C.O.54.521.386 Longden to Hicks Beach 8/10/79.

the exclusive cost of the Treasury, most were maintained by statutory contributions of labour or money levied from the people or from contributions of estates for the upkeep of roads constructed solely for local purposes under the Branch Road Ordinance of 1874.¹ Under Ordinance 10 of 1861 every male inhabitant between the ages of eighteen and fiftyfive except Government Officers, soldiers and Buddhist monks was liable to perform six days statutory labour every year on the roads, or to pay sixpence a day instead. But if the upkeep of the roads maintained partly by statutory labour was handed over to a contractor, he would have to employ the statutory labour and allow full value for it. But in Government experience such labour was generally unsatisfactory, so that it would be necessary to select for the contract system only such roads as were wholly maintained from the public revenues.² Longden was also averse to the contract system being applied to the principal roads as they could not be allowed to fall into disrepair. Nevertheless, he proposed in the first instance to call for tenders from contractors for the upkeep of roads to the value of Rs.312,296/- that is one fourth of the total departmental outlay on

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1. Two Ordinances of 1857 and 1858 provided for the construction of branch roads with grants from the Government equal to a moiety of the cost, the other moiety being paid from contributions made by the estate proprietors of the district. The amount to be contributed by the estate owners was assessed by the Provincial Road Committees according to the acreage of the estates. By Ordinance 13 of 1865, all grant roads were after construction to be maintained also on the same basis, half the expenditure being borne by the Government and the other half by the proprietors. Further changes were made by Ordinance 13 of 1866, 4 and 23 of 1873. Ordinance 6 of 1874 amended and consolidated the law relating to the branch roads. As branch roads came to be constructed in remote areas, District Road Committees were set up by the Ordinance of 1874, because Provincial Road Committees could not give all the necessary attention. (C.O.54.405.184 Robinson to Cardwell 14/11/65; C.O.54.489.384 Gregory to Kimberley 23/12/73; Sessional Paper XVIII of 1873; C.O.54.496.19 Gregory to Carnarvon 20/1/75).
 2. C.O.54.521.105 Hicks Beach to Longden 5/4/80; C.O.54.545.104 Longden to Derby 13/3/83.

maintenance.¹ The Secretary of State approved this.

At the same time, as the contract system was still an experiment a Committee was appointed in 1880 to review the whole question of road construction and upkeep.² This revealed how closely the success of the departmental road policy was bound up with the efficiency and integrity of the overseers and with the supervision exercised over them. It also indicated that the resort to the contract system largely reflected the continuing failure of the department to ensure adequate supervision of road works. The fact that nearly half of the questions addressed by the Committee to the Provincial Assistants related to supervision of road work indicates the importance attached to supervision while the evidence proffered provide a detailed picture of the overseeing system in action.

The system of daily road maintenance recommended in 1864 appears by this time to have been adopted more generally. Roads were divided into small sections of between five and ten miles each in charge of an overseer, under whom were employed a gang of coolies. Every overseer kept check-rolls in which were entered, in ink, the number of coolies at work each day. The overseer had daily to inspect the road and the culverts and timber bridges on it. He had to assign the various tasks to the coolies and see that each completed the work so assigned. He had every month to render to the Superintending Officer a statement of the work done with the fullest details of the quantity and cost of each work, mile by mile. The Officer had then to go over the road each month and if satisfied that the

1. C.O.54.521.386 Longden to Hicks Beach 8/10/79.

2. Sessional Paper XLIII, 1880 - Report of the Public Work's Commission, 1880.

work had actually been done, pay for it. The system left the door wide open for frauds by the overseers. In between his personal visits to the road works, rarely more than once a month, ~~he~~^{the officer} had no check upon the entries on the check-roll which could readily be falsified by the overseer. Similarly the Officer had no means of ascertaining the value of the work done which was stated on the check-roll except by a cumbrous measurement of the road works completed. The defects of the system were described by the Provincial Assistant of Uva. The system assumed that an Officer having charge of 100 miles of road at the end of the month could "actually measure every item of work that had been done during that month over every part of the 100 miles. This of course is impossible, although the most important and costly works such as breaking and buying of metal and the excavations and transport of gravel can be checked with sufficient accuracy; yet there will always be a large amount of expenditure which it is utterly impossible to check. All that can be done in this case is for him to judge whether from his experience he considers the condition of the road justifies the expenditure that is said to have been incurred and if he is satisfied to pay for it as for work actually measured".¹ He suggested the further extension of this system of "judging by results" instead of compelling an Officer to toil painfully round his district measuring tape in hand. Besides, as another Officer stated, while travelling to make payments, the Officers had little leisure for careful measurement of the work - the thoughts were more on the safe-custody of the money box than on the condition of the road. Further it was pointed out that half the month the Superintending Officer

1. Sessional Paper XLIII, 1880, p.118.

was engaged in the office work relating to payments, leaving very little time for supervision except when he went out to make payments. The general practice among them, in the circumstances, was if the cost of work on being measured or estimated fell short of the amount on the check-roll to return the check-roll to be cut down by the overseer. Needless to say under these circumstances the overseers appear to have resorted to various means of making illegitimate gains.

The Provincial Assistant of the Western Province referred to one means: "... that of the overseer entering the names of coolies for many more days than they were employed.¹ Another mode of defrauding Government was to appropriate and sell the rice supposedly issued to coolies.² "On every check-roll there will appear defaulters; men who at the day of payment, the overseer tells the officer, have 'gone away'; the days they are supposed to have worked and are marked in the check-roll are perhaps those between the interval of the officer's visit. Only a small balance of a few cents will appear as due to the defaulter, but ... rice has been issued" - and appropriated by the overseer.³ On a large check-roll the value of such rice might amount to thirty rupees - half the overseer's pay. The overseer could also impose by overcharging for the transport of gravel and other materials for which their carts were hired by the department, or by employing coolies

1. Sessional Paper XLIII, 1880. p.123.

2. Fisher, the European Superintending Officer of Batticaloa, himself was dismissed in 1878 for utilizing the money intended for paying coolies, in trading activities with Batticaloa rice dealers and cultivators. He was criminally charged for embezzlement in the Courts, and was removed from service as being a most evil example to native subordinates. (C.O.54.514.282 Longden to Hicks Beach 23/8/78).

3. Sessional Paper XLIII, 1880. pp.123-124.

in their own work. The Assistant of the North Western Province also asserted that before a cooly was employed he had to promise to pay the overseer a rupee a month and that was enforced. Churchill, the Acting Director of Public Works made the interesting comment that the general impression was that the department was overrun by the "Jaffna overseer class", who not only robbed the Government but made money out of the coolies who consequently suffered. To counter this he explained: "We mix the Jaffna men, Sinhalese and Burghers and they are a check upon one another".¹ But the Jaffna overseers were the only educated Ceylonese who would go to the more out of the way places to which Sinhalese would not.

It may be noted that these various comments and strictures did not pass without remark. The Examiner commented that to blame the failures in the system on the want of European supervision was to ignore the fact that there was a large staff of European superintendants in the department. "It was no doubt a very convenient thing to trot out the Jaffna overseer and his hackery and to load him with all the sins ... for which the highly paid scientific men from Europe should be held responsible".² The editor then

1. Sessional Paper XLIII, 1880. p.30.

2. Overland Examiner 12/12/79. The paper added:- "those who object to the Jaffna overseer jump to the conclusion that ... the Jaffna overseer can only accumulate the wealth he does by speculation. But people ... forget that while the salary of the European Officer is hardly sufficient ... for the wants of a gentleman's establishment, the Jaffna overseer is absolutely passing rich on Rs.600/- a year. His wants are few, while Rs.10 a month would cover his board and lodgings; he is thrifty in his habits and with the object of one day returning to his native Jaffna a comparatively wealthy man, he hoards all his little earnings lends them out on exorbitant rates of interest or enters upon some lucrative speculation, astonishing his superiors with the nice little fortune he has achieved".

went on to contrast the thrifty overseer who from his Rs.600/- a year saves enough to buy a coffee garden, and the European on Rs.5000/- a year whose tastes leave him always impecunious on his far larger salary.

The Examiner, in defending the native overseer had suggested that the European Superintendant was not blameless. James Irvine, one of the members of the 1880 Commission, did not suggest, but loudly stated that this was indeed the case. He held that the weakest part of the administration was the system of accounts: "The whole of the department is virtually in the hands of the overseers. Can anything be more absurd? Nearly every officer admits that the check-rolls as furnished by these overseers are worthless and that if the check-rolls exceed what they consider the value of the work done, it is sent back to the overseer to be altered in labour in accordance with the work done. In the whole of my experience in the colonies I have never known a statement made like this before in a public department".¹ As to the suggestion that it was undesirable to compel an Officer "to toil painfully round his district ... tape in hand" to check the work of the overseers, Irvine roundly inquired "I would ask what is he paid for?"² Turning the argument based on the complaints about Overseers, against the officials themselves he criticised the department for accepting, as shown in the evidence, that it was impossible for a Superintending Officer to inspect his district as he had to attend to office work for half the month. The need for this he questioned, since there were Clerks to attend to such work and he quoted Tatham's statement that there was "no class of men in the world who have less actual detailed work than the Superintending Officers".³

1. Sessional Paper XLIII, 1880. p.VIII.

2. Ibid.

3. Ibid. pp.34-36.

For the shortcomings of the department Irvine held the Director and the Officers responsible. Supervision was what was needed, not contracts. He opposed contracts large or small. "Many officers ... seem to have altogether lost sight of their position, what the public pay them for. They are paid for supervision".¹

With this mass of evidence about the weakness of the overseer system before them, especially that relating to inadequate supervision, the Committee ignoring Irvine, chose to support the system of road maintenance by contract and recommended an increase in the travelling allowances of Superintending Officers. They were "decidedly of opinion that a properly arranged system of contracts would effect a very practical increase in the powers of supervision of Superintending Officers ..." and would result in a diminution of cost.² "Maintenance contracts should be given either for the whole length of a road to a substantial and capable contractor or for small lengths of from five to ten miles to men who have served in the Public Works Department as overseers or pioneers and who are consequently known to be qualified".³ To give the contracts to the persons who sent the lowest tenders, without inquiring into their qualifications, training and experience or character, could only bring disaster, they held.

In the meantime, Longden had already started the contract system on much the same lines as indicated by the Commission. Informing the Secretary of State in August 1880 on the manner in which the system was being worked he pointed out that tenders had been invited for 518 miles of road,

1. Sessional Paper XLIII, 1880. p.VII.

2. Ibid. p.IV.

3. Ibid.

distributed over the seven provinces. For some no tenders had been received, while for others the price quoted was higher than the cost under the department, but satisfactory tenders had been received for 380 miles. While the annual cost of the upkeep of these 380 miles under the old system was Rs.266,844/- they had been let on contract for an aggregate sum of Rs.191,320/- a year for three years, making a saving of Rs.72,524/-. This would be most satisfactory, if the roads were well maintained, on which point however it was "very necessary to be watchful". The plantation of coffee in the mountainous regions of the Central Province had been rendered possible owing to the roads. Therefore it was vital to the planting community that roads by which alone they could transport their produce be kept in proper order.¹ "It is of no less importance to the native peasantry that roads of the low country which carry the local commerce of the island and the main arteries of communication should also be kept in order. If roads are once allowed to fall into disrepair, the savings made by letting them under contract will be more than counter-balanced by the expenditure ... in resporing them".² It was too early he said to form a decided opinion upon the result of the changes but he thought that except in the Northern Province, the reports were not unsatisfactory.

It might be have been expected that the introduction of the system of contracts would have dealt a heavy blow to the body of native overseers.

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1. The traffic on the road between Grandpass and Kadugannawa for instance in 1876 was as follows: 36,000 carts, 800 carriages, 24,000 hackeries, 10,000 horses, 50,000 cattle with about 70,500 tons of loads. (Sessional Paper XXXIV, 1877).
 2. C.O.54.527.121 Longden to Kimberley 28/8/80.

This however does not appear to have been the case, for it was soon agreed that the right sort of contractor might be often found among the body of overseers themselves. Writing in 1879 to Longden, the Director of Public Works said "I would also recommend that that the overseers and other subordinate Officers of this Department be permitted (as being men understanding the nature of the work and being likely to be thrown out of employment by the adoption of the contract system) to submit tenders".¹ Another official pointed out that although in the thickly populated parts of the low country contractors might be available, unless they were men with a thorough knowledge of the work it was doubtful if they could purchase the experience and make it pay for a lesser amount than it costs the department.² The Superintending Officer of the Kalutara District reported that to ensure honest work native contractors require far more constant supervision than good overseers. More outspokenly he declared "I think we have got hold of the wrong class of men, what is required are men of experience, old overseers, kanganies, Pioneers etc ..."³ The Provincial Assistant of the Western Province one of the strongest supporters of the contract system repeating these views said that the contractors annually employed by the department were "not the sort of men that could be depended on in charge of metalled roads exposed to heavy traffic".⁴ The existing contractors were totally ignorant of road upkeep and the departmental officers "have quite as much to do in teaching them work as they had formerly had in supervising

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1. C.O.54.521.386 Longden to Hicks Beach 8/10/79: Encl. Director's letter 1/7/79.
 2. Ibid. Dalton to Colonial Secretary.
 3. C.O.54.527.121 Longden to Kimberley 28/8/80: Encl. letter of Superintending Officer, Kalutara District 1/7/80.
 4. Ibid. Encl. Letter of Provincial Assistant, Western Province 6/7/80.

overseers".¹ He held that contractors should "not be selected among a class of needy adventurers, or at least among men who had no previous experience of road work and who have tendered ... simply in the hope of pocketting half the amount of their estimates ... but from the class of kangaries, pioneer pensioners and overseers who have spent all their lives on the roads".² He also made the further very interesting suggestion that it might be wise to soften the blow to the old order by the gradual introduction of the contract system. "The present system has existed for many years, has taken firm root in the island, has brought into existence such crowds of educated overseers, clerks, storekeepers and others who draw a large percentage of the annual upkeep votes without ever soiling their hands with anything but ink, that the introduction of the contract system would meet with bitter opposition and would require great care to ensure its success".³ The use of old employees of the department in the new role of contractor would evidently help the adjustment.

In the event the overseer class did engage widely in the new contract system. The giving of large contracts to Europeans was tried, but such experiments as the contracts for the Kandy-Badulla road and the Gampola-Nuwara Eliya road proved a failure, the contractors themselves losing money. Similarly, as has been seen, an indiscriminate award of contracts to men without experience was soon discouraged. As a result the contract system was adjusted to the overseer class: small contracts were allotted, and the

1. C.O.54.527.421. Longden to Kimberley 28/8/80: Encl. letter of Provincial Assistant, Western Province 6/7/80.

2. Sessional Paper, XLIII, 1880. p.113.

3. Ibid.

demand for heavy securities was lifted.¹ In 1881 a correspondent in the Observer noted that most parties tendering for contracts were overseers, their friends and relatives, though boutique-keepers, liquor dealers and small speculators were also allured by the fortunes made by road contractors.²

The new system worked. In 1880 the Director of Public Works reported that it had answered fairly well and would be extended in 1881, while Longden announced to the Secretary of State that though there were more roads to maintain the cost to Government had fallen. In 1881 the Director again reported that the system was working satisfactorily, despite the failure of a few contractors.³ In 1883 Longden was able to show a further fall in the cost which he attributed to the use of the contract system.⁴ In 1884 the Director referred to the "great reductions" in the cost of road upkeep during the years in which the contract system was in use.⁵ Evidently, if somewhat curiously, the very same overseers who had been held largely responsible for the shortcomings of the old Government system of road maintenance and whose vices had formed the subject of so much official comment, had made a notably successful come-back in the new garb of contractors. What is more they had done so with the active encouragement of the officials: if their character for integrity was scandalous, their technical and entrepreneurial abilities were apparently not in doubt. If one avenue of employment had seemed to close for the educated Ceylonese another had been successfully opened.

1. C.O.54.527.121 Longden to Kimberley 28/8/80 and Enclosures.

2. Overland Observer 22/1/81.

3. Administrative Reports of the Director of Public Works, 1880-1883; C.O.54.535.156 Longden to Kimberley 28/12/81.

4. C.O.54.542.558. Longden to Kimberley 21/12/82.

5. Average cost per mile:- 1878 - 2,637 miles at Rs.653/- ; 1881 - 2,808 miles at Rs.519; 1884 - 2,868 miles at Rs.376/-. (Administrative Report of Director of Public Works , 1884).

CHAPTER EIGHT.

THE POSITION OF NATIVES IN THE SURVEY DEPARTMENT.

In its origins the Survey Department had been closely linked with the Public Works Department. Its staff remained modest until well into the nineteenth Century. However, the rapid development of coffee planting from about 1835 was accompanied by a spectacular increase in the sale of Crown lands, which the Department had to survey. While only 49 acres of Crown land were sold in 1834 the average sold annually from 1840 to 1845 rose to 42, 880 acres. Nor was the Department responsible only for dealing with lands regularly applied for. By 1840 legislation became necessary in the shape of Ordinance 12, to give the Crown a summary remedy against parties taking possession of Crown lands without any probable claim or pretence to title. This too added to the work of the Department, for, proper surveys were necessary to prevent encroachments.¹ Requests for additional surveyors came to be increasingly made by the Government Agents owing to these circumstances.

These requests were supported by the Surveyor General on the whole. He pointed out that "the resources of the Country are developing themselves far beyond the anticipations of the past years" and that although the applications for land were increasing the department was inadequate to meet the demand.² While in the Western province paddy land was fast passing from the Government

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1. C.O. 54.413. Robinson to Cardwell. 158. 23.7.66: Encl. Government Agent Western Province to Colonial Secretary. 23.8.65. C.O. 54 Gregory to Kimberly. 15.27.3.72: Encl. Queen's Advocate's Report on Law of Prescription. 1.3.72
 2. C.O. 54.413. Robinson & Cardwell 1.5.8. 23.7.66. Encl. Surveyor General's letter 24. 11.66

into the hands of occupants by prescriptive right, owing to the absence of proper surveys, the need for surveyors was increasing in the other provinces too. To meet the requirements of the different provinces he asked for thirteen additional surveyors to be appointed on the provisional list. These requests having failed to produce any substantial results the Surveyor General repeated his appeal for the augmentation of his staff.

The demands for more surveyors had been increasing to such an extent that now the Surveyor General was not content with a mere augmentation of the staff. A complete reorganisation of the Department had become necessary. Currently the senior officers were moved from District to district doing the field duties with which they had been entrusted from the time of their entry into the Department. The result was that the local experience acquired by them was lost to the Department. This work could be done by lesser officers on a lower pay. He accordingly proposed that an assistant surveyor should be attached to each Province. A Provincial Officer should be established in each of them. Besides the Office establishment every Province was to have its own field force. This establishment headed by the provincial chief would be in charge of the Crown Land Surveys, Commutations, registrations and tracings of minor roads in the Province. Such a system would accelerate the discharge of business in the Department, he pointed out. The additional staff asked for was sanctioned by the Secretary of State. These Surveyors were recruited from England.

The difficulties complained of did not diminish in any

appreciable way as a result of the additions from England.

Encroachments on Crown lands continued to increase and assume more serious proportions.¹ From the Government Agent of the Central Province came complaints of even more systematic frauds than the complaints made by the Agent of the Western Province in 1866. The former made special mention of the problem of surveying small lots of Crown land. Without surveys and plans inquiries could not be conducted into the titles of occupiers of such lots. Thus it was "impossible to detect encroachments on Crown lands".² The delay in obtaining surveys, moreover, was used by the occupiers and interested parties to greatly complicate the inquiries by transfers to bona fide purchasers, who often had to suffer ejectment or by the preparation of tax receipts of "spurious antiquity". The villagers, he said, "either without the knowledge or with the connivance of the Headmen clear whatever land they can for coffee or other cultivation".³

Despite all the evidence of mounting need no serious attempt was made to reorganise the Department till after Gregory had succeeded Robinson. The former informed the Secretary of State of the need to reorganise the Department owing to this state of affairs. He adduced several reasons in support of the request. Surveys were needed in connection with the extension of the railway to the Uva.⁴ The Secretary of State had urged the importance of determining the limits of the highlands to be sold for coffee and tea cultivation, in order to prevent dessication of land resulting from the indiscriminate clearing of forests. He made special reference to the necessity

1. C.O.54.487 Gregory to Kimberly 248. 5.8.73: Encl. letter of G.A.C.P.

2. *ibid.* 3. *ibid.*

4. C.O.54.494. Gregory to Carnarvon. 21 st of Sept. 1874

for a survey of 'chena lands' in order to prevent "the wholesale destruction of Crown property" which was going on. To prevent these depredations the boundaries of crown forests had to be surveyed and defined, chena or slash and burn cultivation being one of the causes of the destruction of forests¹. He added that a considerable augmentation of the Department was needed owing to the rapid increase in the wealth and demand for portions of land, which ought in order to avoid fraud and litigation to be surveyed when applied for². When applications for surveys were made by the Government Agents to the Surveyor General's Department the preliminary plan was received after eighteen months or more. In certain cases it had taken as long as ten years.³ This delay did not generally affect the survey of lots for planting coffee, which were promptly attended to. The delay concerned more particularly the survey of small lots "applied for with a few exceptions by the natives".⁴ The Acting Assistant Agent for Matara, for instance, had written that though there were "not many applications from European residents ,..... the applications for small lots, by the natives, are numerous".⁵ Gregory informed the Secretary of State, that with a view to the "complete reorganisation" of the Department he had appointed a committee of inquiry in 1873.⁶ It is

It has been already seen that about this time augmentation and reforms had been undertaken by Gregory in regard to certain

1. Chena cultivation was the practice of cultivating highland periodically with dry grain.

2. C.O.54. 494 Gregory to Carnarvon 21st Sept. 1874

3. C.O.54.487 Gregory to Kimberly. 248. 5.8.73: Encl letter of G.A.C.P.

4. ibid. Enclosure letter of Government Agent, Central Province.

5. ibid. Encl: letter of G.A.C.P.

6. C.O.54 494 Gregory to Carnarvon 21st Sept. 1874.

other departments and branches of the Public Service. The extra funds available as a result of the disbandment of the Ceylon Rifles Regiment enabled Gregory to undertake the reorganization of the Survey Department which though urged as early as 1866, had not been sanctioned during Robinson's Governorship. The Department had in fact been augmented then by the recruitment of a number of Surveyors from England. But any scheme of reorganisation involved decentralizing the Department provincially.

Gregory's decision to appoint an inquiry might have been partly due to the growing dissatisfaction voiced by native officers in the Department regarding their prospects. It should be noted that as in many other services there was a large subordinate staff of natives employed in such capacities as sub-assistant surveyors, draughtsmen and computers. However the Survey Department was perhaps unique in that natives did not hold any of the posts in the higher grades. Even in the Civil Service and the Public Works Department, where too the requirements needed for admission and advancement were rigorous, natives held well paid and responsible posts. The salary attached to the highest post occupied by a native in the Surveyor General's Department on the other hand was less than Rs. 200/= per annum. The fact that even a few superior appointments in a particular branch of the Public Service were held by the natives would have gone a long way to create a sense of satisfaction among the others in it, who felt that the claims of the natives would not be entirely overlooked. There were two categories of officers in the Department, those in the fixed establishment entitled to pensions and those on the Provisional Establishment who were not. All

appointments in the former were held by European Officers, whereas the latter was composed of both Europeans and the Natives. Even in the Provisional Establishment the natives generally held the lesser paid posts. Although the nature of the duties performed by the European officers recruited to the higher appointments was of a higher order than those assigned to native sub-assistant Surveyors in the provisional list, the position was different in the case of the Europeans in the latter grade. Both Europeans and the natives performed similar duties in that grade but it seemed the invariable rule that no natives were promoted to the fixed posts to which European sub-assistants were admitted. A spate of complaints began to appear in the Examiner some time before and about the time of the appointment of the Committee of Inquiry, by Gregory. The paper editorially commenting on the subject called for an investigation into the Department. "It always struck ^{us} as strange that while the natives..... secured advancement in almost every other department , the Survey Department should be the only exception." ^{P. 1}

The Surveyor General of the time, Colonel Fyers, personally appears to have incurred the unpopularity of the native staff. Allegations of open discrimination against the natives, ^{were} made regarding him.

Urging the claims of Caldera, a Sinhalese surveyor, to a post which had been conferred on an European, one correspondent wrote that,

1. Examiner. 25.12.73. The correspondent in a later issue of the paper made the following comparison between European and Sinhalese sub-assistant surveyors. Both did work pertaining to applications for surveys. Cases of 'overlapping' had been detected in the work of some of the oldest European surveyors and recently one had been punished. He challenged the Surveyor General to furnish a single case 'where a native was found worthy of even a reprimand' for a case of that kind. A road survey in the Kalutara District executed by an European Surveyor of the first grade was found 16 chains out of position. In the Town Survey an European Surveyor also of the first grade who was

"new bloodall of one colour is introduced at every vacancy".¹ Another said that "if the lists of native surveyors is looked intoit will provide unerring evidence of the disadvantages incident to a dark skin".² The Surveyor General was out to exclude the Natives from higher appointments irrespective of quality.³ Europeans had been selected and natives with requisite qualifications overlooked. It was alleged that during the Governor's absence, Fyers had 'pushed up' sixteen sub-assistant surveyors but not a single native had been included among them.⁴ Although a reform of the Survey Department had been contemplated for other reasons during the past few years, the appointment of a Commission of Inquiry had not been proposed. Gregory's move appears to have created a hope among the native officer that the source of their complaints would also be scrutinised by the commission.⁵

either afraid or incapable of plotting his own work left it to native to do. There was an European Surveyor of the first grade who on entering the Department was found incapable of carrying a contour level and it was from a native that he received his instruction. "We have the trigonometrical computation.....in such a mess that a point fixed on one base, when computed on another base shows miles of difference between the two points....." The correspondent asserted that he could go on filling pages in the same strain, yet the Surveyor General would "rely only on the work of the European and promote him to the first grade". Examiner. 27.9.75

1. Examiner 25.1.73

2. Examiner 22.1.73

3. Examiner 17.4.73

4. Examiner 30.4.73

5. For instance Ex. o. 24.12/73; a reader expresses a hope that arrangements more beneficial to natives would be made by the Commission.

The Committee recommended that an experienced Surveyor be placed in charge of all surveys in each province to be assisted by an European surveyor in each district. The latter were to have under them, a certain number of assistant surveyors. This decentralisation of the Department, was expected to ensure an efficient system of supervision. The provincial and district surveyors were to be recruited in England. The assistant surveyors who replaced the existing category of sub-assistant surveyors were to be generally recruited from among the natives.¹

The existing Establishment of the Department consisted of the Surveyor General, 18 assistant surveyors (all European) and a number of sub-assistant surveyors some of whom were on the 'Officer List' and the rest on the 'Field List'. These figures were considerably augmented. But the augmentation had to be carried out by the recruitment of a large number of natives into the subordinate grade of Assistant Surveyor, rather than recruiting Europeans on higher salaries. Thus the number of European Surveyors was to remain practically the same. In their case it was the designations and the functions which had really changed. The single class of 18 assistant surveyors under the old scheme were now to be classified as 5 provincial surveyors and 13 district surveyors.² This decentralisation inevitably entailed a larger establishment of subordinate officers. Every province was in fact to have its miniature Survey Department with its technical and clerical staff. There was to be a larger number of assistant surveyors than the existing number of sub assistant surveyors, whom the former replaced under the new

1.C.O. 54496. Gregory to Carnarvon. 60.2.3.75 Encl: Report of the Survey Commission.
2. ibid.

scheme. Thus the entire establishment of subordinate staff of all grades below that of the District Surveyor was increased from 15 and 39 officers in the field and office lists respectively to 31 and 72 in the two lists under the proposed schemes. In the past most of the natives had been employed mainly in office work, but henceforth there had to be a larger contingent of natives doing field duties too. The changes involved a substantial increase in the cost of the survey establishment. But even so while the salaries of 18 chief surveyors (European) were to cost Rs 85,000 a year under the new scheme instead of Rs 78,000 under the old, the cost of the subordinate establishment swelled from Rs 98,000 to about Rs 145,000 a year.

The Committee in its report drew particular attention to the need for alleviating the condition of the sub-assistant surveyors, of the old scheme. "The position occupied by the deserving sub-assistant/^{field}surveyors, whether European, Burgher or native urgently calls for amendment. After serving faithfully for a number of years some of them from want of sufficient ^{knowledge} and ability are ineligible to enter the fixed grade.....and consequently have no claim to pension.To promote such men to places in the fixed list amongst the first eighteen (ie; the proposed 5 provincial and 13 district surveyors) would destroy the Department...."¹ The only prospect of advancement which the commission was ready to hold out for them was "that a limited number, not exceeding six should be placed in a second grade of the fixed list, after 12 years service and be

entitled to pension....."² Accordingly native assistant surveyors

1.C.O. 54.496 Gregory to Carnarvon 60.2.3.75. Encl. Rept of Survey Commission

2. ibid

or at least some of them could look forward to retirement on pension even if, as was quite likely, none of them could rise to any higher grade. Whatever might be said of the relative competence of the European and native sub assistant surveyors, about which complaints have been made, the lack of requisite professional training was a ground which could be reasonably urged against the recruitment of the latter to the highest positions in the Department.

The Secretary of State though generally approving the scheme called the attention of the Governor to a number of points. The scheme if adopted would increase the cost of the establishment from Rs 188,540 to Rs 250,740 which was an increase of 33 %. He did "not think any single department has been reorganised at so heavy a proportional addition to its cost".¹ He was inclined to think that the increase of work was due to temporary causes, like the employment of several members of the existing staff on the special work of Railways. More particularly, the Secretary of State was concerned with the augmentation of the subordinate establishment. While he was inclined to agree to the proposals in so far as they related to the provincial and district surveyors, he expressed caution with regard to the expansion of the provisional establishment by the recruitment of native officers to the field and office lists. These as already noted involved the largest portion of the expenditure. Referring to the increase represented by the substitution of thirty one Assistant Surveyors in place of seventeen existing sub assistant field surveyors he added ".....this class of officers are paid small salaries and are I presume mostly of native origin;

1. C.O. 54.501 Carnarvon to Gregory 168. 31.7.76

I am not aware exactly what professional proficiency has been attained by this class of officers but probably no great scientific requirements are expected of them as I observe they are to be under the immediate order of a District Surveyor".¹ Referring to the increase in the office list from forty-nine to seventy two, he remarked that he was "disposed to doubt the utility of attaching indoor officers to each of the chief provincial surveyors which.... will have a tendency to establish a little Surveyor General's Department in each Province."² Thus the Secretary of State was critical not only of the augmentation of the native subordinate staff but also of their professional attainments. In the absence of systematic educational facilities for acquiring a technical education this was to be expected.

Gregory, however, reiterated his inability to cope with the needs of the departments with the existing staff owing to routine work, arrears and new demands on account of the railway surveys, and the land registration scheme.³ In support he submitted a further report from the Surveyor General. This showed that there were annually about 2,000 applications for surveys in the Western and the Southern provinces and in the Central and the North Western Provinces at least 15,000. ".....in every province applications are daily increasing. From all agencies there is an appeal for more surveyors, to survey native claims, encroachments, lands applied for, disputed boundaries, and lands under new irrigation works...."⁴

1. C.O.54.501 Carnarvon to Gregory 168. 31.7.76

2. *ibid.*

3 C.O.54.502 Gregory to Carnarvon 164. 29.6.76 C.O.54 501. Gregory to Carnarvon 94. 11.4.76

4. C.O.54. 502 Gregory to Carnarvon 164. 29.6.76. Encl. letter of Surveyor General to Colonial Secretary. 23.6.76

Properties in every district are still unsurveyed and held on very doubtful titles, if any titles at all.

Gregory explained to the Secretary of State that he was eagerly contemplating the introduction of certain major improvements in the existing system of land registration for which a cadastral survey was a pre-requisite.

In a subsequent letter he once again urged the need for surveyors especially to settle the native claims which were increasing so rapidly that "if the department were double its present strength it would take many years to make the necessary surveys.... and in a prosperous colony like Ceylon, where so much forest lands are still unalienated from the Crown and where the permanent desire of the natives is to extend their landed possessions it is almost certain that the demand for Crown land will go on increasing year by year...."¹

There was another reason why an increase of staff had become urgent. The large volume of work was a strain on the European officers. Of them only eight senior officers had been on "all Island Service" for periods ranging from 17 to 20 years. Two of these officers had never left the colony since joining. The next four officers had each ten years service but also never left the Colony on leave. There was not on record a single instance of an European Surveyor who retired after more than twenty years. They had to retire earlier in life owing to reasons of health, "having to undergo exposure and privations". It was necessary that the department should be maintained in such a state of efficiency as to enable them to

recoup their health by going on leave of absence.² The need for

1. C.O. 54 506. Gregory to Carnarvon 10. 8.1.77 Encl Surveyor General letter of 12.12.76

2 C.O. 54. 502 Gregory to Carnarvon 29.6.76. 174. Surveyor General's Letter

enabling European surveyors to go on leave of absence to England for recouping their health had been urged as early as 1864 even by the previous Surveyor General.

While the Secretary of state expressed doubts as to the need for the contemplated reorganisation, the existing state of the Department and even the proposed reforms ran into serious opposition from the Examiner and the Unofficial members of the Council. The paper alleged that, Colonel Fyers the Surveyor General had left no means untried for discouraging natives from entering the department while he lost no opportunity of drafting into it European adventurers and the sons of needy Government officials in high places. Old and tried native officials were subjected toincreasing persecution and were literally hunted out of the Department in order to make room for Europeans, friends and relatives¹! Carping and captious methods of testing the work of natives had been adopted. When the errors of natives, though rare, were detected they were fined, while the work of European amateurs "grossly incorrect for fudging" was allowed to pass. The paper went on to criticise the manner in which the Commission itself had carried out its duties. It had been appointed not merely to inquire into the organisation and the working of the Department but also to investigate the question of abuses regarding official patronage raised in public discussions. This latter aspect the Commission had not dealt with, though its findings indicated that the department had in fact been mismanaged. The report admitted that only five out of the ten field surveyors were competent in any sense, of the term.²

1. Examiner. 4.2.75

2. Examiner 27.9.75

This dissatisfaction with the work of the Commission found an echo in the Legislative Council. However, the Council's discussion of the subject turned on a completely different aspect which appears to have been less known to the public and would have remained perhaps, an unrecorded episode confined to a few official memories, but for the fact that it was raised by some Unofficial Members. Wilson, the member representing the general European community, and an unfailing critic of Government on such matters moved a resolution calling for the tabling of all papers relating to the Survey Committee which had not so far been published.¹ Though, moved by Wilson, the chief speakers for the unofficial side were James de Alwis, the Sinhalese member and M. Coomaraswamy the Tamil representative. In fact although the Commission had been appointed in 1873 its report had been delayed till 1875 owing to certain little known circumstances. The embarrassing nature of some of the evidence given to the Commission by the official witnesses resulted in an interruption of the proceedings initially conducted. These being terminated, in fact fresh proceedings were started by a partly reconstituted Commission.² However the report of the Commissioners submitted in 1875, made no reference to these antecedents nor was the objectionable evidence published. The Auditor General explained the reasons for not tabling the papers moved by Wilson: "...."Personal questions and questions affecting classes and race in the Service" as well as different claims to different appointments had been included in the evidence.³ Those who gave the evidence had been in

1 Debates, Legislative Council p. 70

2. ibid.; Examiner 4.2.75 and 27.9.75

3. Debates Legislative Council. p.71

one way or another prejudiced. The evidence of certain officers in the Department was such that it would be 'lamentable' to publish them.¹ It would simply be throwing a firebrand into the camp. The discussion in public of opinions of a very crude and prejudiced nature a great part of which was excessively erroneous, would do much harm," he argued. Alwis replying to the Auditor General expressed the opposite opinion. There was no good done by not publishing the evidence. Anger would be followed by enmity as a result. Publication would be more wholesome than suppressing the information. "If gentlemen of standing in the Department had expressed views before the Commission as to questions of race and colour and other circumstances affecting the fitness of natives for positions..... there was a strong reason why the Government should know them".² Coomaraswamy also urged that the papers should be published as members of certain races and classes had been erroneously described as unfit for certain appointments. The Burger representatives too expressed similar views. The Governor, intervening in the discussion objected to the publication of the material as it would interfere with the harmony of the Service.³ The proceedings, he asserted, should be expunged from the records in the interests of "peace and quietness"⁴

1. Debates. Legislative Council p.71

2. *ibid.*

3. Gregory writing to the Secretary of State in 1874 simply stated the proceedings of the Commission had been delayed owing to 'xxx' various reasons. (C.O.54. 494 Gregory to Carnarvon. 21. 9. 1874

4 Debates Legislative Council. p. 72

Alwis nevertheless, pressed the motion to a vote which was lost by five votes to nine, all three Ceylonese members supporting it. During our period only on a very few occasions were complaints pertaining to the public service raised in the Council by unofficial members. Even then most of those issues had been concerned with individual officers, as for instance the Creasy pension question or the allegations against Twynam. But the discussion on the Survey ~~commission~~ involved a more general issue, and the determination with which it was pursued was perhaps a measure of the relatively wider sense of dissatisfaction existing among the native officers in that Department.

Partly perhaps for these reasons, Gregory was eager to implement some measure of reform in the Service. He was becoming somewhat impatient with the slow progress made in the reorganisation of the Department, a matter which had been successively deferred. He informed the Secretary of State that "the longer the settlement of the question is delayed the greater will be the cost that will have ultimately to be incurred.....from every point of view and not the least from that of true economy I would strongly urge....the necessity of coming to an early decision".¹ The Secretary of State's main objection had been directed against the large increase in the indoor staff of the new provincial establishments. Referring to these employees who were to be recruited from the natives, the Surveyor General stated "by the employment of a couple of draughtsmen at the Head Quarters of each province at a low rate of pay

1. C.O.54. 502 Gregory to Carnarvon 164 of 29.6.76

much valuable time now being spent indoors by the chief surveyors in drawing will be available for field work". Such draughtsmen he said were employed in office work and in technical work like reducing four chains to an inch, field plans to sixteen chains to an inch; placing lots surveyed in position on maps; preparing preliminary plans, and title plans of lots sold, and the tracings of plans and so on.

Eventually, the scheme was approved by the Secretary of State but he informed the Governor this time "that with salaries of less than £200 a year, a rate at which it would be impossible to engage Europeans, I trust that great care will be taken that no appointments will be made to these lower grades except of officers who have had sufficient professional training as to be likely to be of real use in the Department".¹ But in the Island there was no institution for providing such professional training.

When Longdon who succeeded Gregory and had therefore to carry out the proposals submitted the names of six officers on the provisional list who were to be made pensionable, the Secretary of State while sanctioning the selections wrote; "I do not feel ~~entirely~~ entirely satisfied as to the wisdom and justice of limiting the number of sub-assistant surveyors who are entitled to pension to six and I would wish you to give the matter further consideration"²

It was Longdon, However, who now proved reluctant to increase the number recommended by the Commission. He pointed out that

1.C.O. 54. 506 Carnarvon to Gregory 38. 5.3.77

2.C.O. 54. 513 Longdon to Hicks Beach. 105. 12.4.78

to place all officers of the Department who received daily pay and were on the provisional establishment on the fixed list would "create a precedent of very inconveniently wide application". It was for this reason that the Survey Commissions' recommendations had been restricted to "the creation of a small class of deserving and industrious men who could not be rewarded by promotion in the ordinary way without injustice to the Service....."¹ He added, "the position of the sub-assistant surveyor differs widely from that of Civil Servants..... The sub-assistant surveyors as a class are commonly natives and they are employed without undergoing any examination at all".² In view of these considerations the Secretary of State eventually agreed with the Governor that the number of pensionable sub-assistant surveyors on the Fixed Establishment should be recognised as six. But he urged that "if it should so happen that at any time six such persons were being... paid another of the class should not therefore be debarred from receiving a pension if duly entitled to it".³

1. C.O.54.513 ~~Hicks~~ Longdon to Hicks Beach 105. 12.4.78

2. @ ibid.

3. C.O. 54.513 Hicks Beach to Longdon 122. 7.6.78

CHAPTER NINE.

THE RAILWAYS AND OTHER TECHNICAL SERVICES.

It was in 1867 that the first line of Railway was completed in Ceylon and trains began to run between Colombo and Kandy. In a previous chapter it had been seen how the Public Works Department had opened up road communication in the different parts of the island. Roads had connected the coastal ports with the coffee districts in the central hills enabling the planters to transport their crops more cheaply and expeditiously. The railway marked another considerable advance on road transport by bullock carts.

The question of building a railway had been brought under the consideration of the Secretary of State as early as 1845, and a company had been formed under the Chairmanship of Philip Austruther, a former Colonial Secretary, but the project had made no progress. In 1853 the planters and merchants in the island memorialized the Colonial Office urging the need for railway communication. In 1855, the Governor, Sir Henry Ward informed the Secretary of State that as the financial situation in Ceylon now fully warranted^{ed} it, he was making one more effort to meet the desire for a railway.¹ Conveyance by road between the interior and the coast was uncertain, costly and subject to sudden fluctuations which affected the price of rice to the detriment of the planter who had to supply rice to the coolies at fixed prices. The coffee crop which had been 278,473 cwts. in 1851, 337,379 cwt. in 1853 and 447,579 cwts. in 1854 was expected to be as much as 500,000 cwts.

1. C.O.54.316.53. Ward to Russel 11/7/55.

in 1855. No increase in the existing means of conveyance could keep pace with this rise in production, and no road could accomodate the additional number of carts that would be required. Ceylon, he pointed out is a country "where the period for shipping coffee is limited by nature to the five months intervening between the close of the picking season in January and the commencement of the South West Monsoon in May, after which coffee left in hand deteriorates and loses value ...". Competition among the planters themselves therefore drove up the price of conveyance, while accidents, ~~cattle~~-sickness and the weather also increased the cost of transport by cart.¹ A railway would provide not only cheaper but quicker transport too. The Ceylon planters had hitherto been able to hold their own, but the advantage would disappear as the progress of railway communications in India and Brazil introduced fresh competition into the market. "How long can Ceylon sustain the struggle if not by similar advantages?" asked Ward.

In 1856 a provisional contract was made with the Ceylon Railway Company and was ratified by the Legislative Council.² The railway from Colombo to Kandy was to be completed within five years by the Company. For this purpose it was to raise a capital of £800,000 to be augmented if necessary. The Ceylon Government was to pay interest on the capital of the Company at the rate of 6 per cent on a maximum of £800,000 and at 5 per cent on all additional capital. After 99 years the railway was to become the property of the Government. The Government also was to have the right to buy the line

1. C.O.54.316.53 Ward to Russel 11/7/55; C.O.54.316.19. Russel to Ward 27/8/55; C.O.54.518.59 Ward to Molesworth 15/11/55.

2. Mills: Ceylon Under British Rule, pp. 241-242.

at the end of twenty five or fifty years. In 1857, Captain Moorsam an engineer appointed by the Secretary of State estimated the cost at £856,557 and the contract was ratified. The whole scheme was evidently closely modelled on Indian experience. However when the Company started work, their engineer Doyne produced a new survey, estimating construction costs at £2,274,000. There was universal opposition to such an outlay, and in 1860 the Legislative Council decided to pay off the Company, annul the contract, and build the railway under Government agency. Work commenced on this basis in 1863, and the line to Kandy was opened to traffic on 1st October, 1867.

T The line between Colombo and Kandy soon became inadequate and in 1871 the Governor submitted plans and estimates to the Colonial Office for extending the line from Kandy to Nawalapitiya. After some difference over the gauge to be adopted, the broad gauge main line was continued, and the section from Peradeniya to Gampola was opened for traffic in 1874.¹ In the meantime the planters had urged a further extension from Nawalapitiya to Uva, and the construction of a branch line from Kandy to Matale. Memorials were submitted by the planters and merchants as before, urging the extensions, and Governor Gregory supported their pleas.² In 1877, Ordinance 8 was passed providing for the construction of the line to Matale.³ In the meantime

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1. C.O.54.463.38 Robinson to Kimberley 5/2/71; C.O.54.477.122 Robinson to Kimberley 3/8/72; C.O.54.480.241. Gregory to Kimberley 19/11/72; C.O.54.480.253 Gregory to Kimberley 25/11/72; C.O.54.493.86 Birch to Carnarvon 11/8/72.
 2. C.O.54.501.101 Gregory to Carnarvon 8/5/76; C.O.54.502.193 Gregory to Carnarvon 14/7/76; C.O.54.502.224 Gregory to Carnarvon 12/8/76.
 3. C.O.54.504.314 Gregory to Carnarvon 10/10/76; C.O.54.508.40 Birch to Carnarvon 4/6/77; C.O.54.509.63 Longden to Carnarvon 22/11/77.

Longden who had succeeded Gregory had also proposed that in the Uva direction the section up to Nanu Oya should be sanctioned as a complete work in itself without reference to any further extension to Badulla,¹ as this forty miles would by itself be self-supporting. The line up to Nanu Oya was accordingly sanctioned in 1878. Demands for further extensions of the line from Nanu Oya to Haputale were however deferred by the Colonial Office for the time being.²

The Government in urging the extension of railways had pointed out that they would serve the interests both of the natives and of the planters. It was however by extending railways to towns along the western coast, that the Government expected to serve purely native interests. The first such line running southward along the densely populated coast from Colombo to Moratuwa was undertaken about 1875 by Gregory. "I know of no undertaking proposed of late years which promises to be more remunerative than this line ..." he wrote, adding, "The undertaking is chiefly for the benefit of the natives. The lines hitherto made, though of course increasing the wealth and civilization of the community have had mainly for their object the advancement of coffee cultivation".³ It would be "a boon to the inhabitants of Colombo who will be able to build houses near the sea and come in early trains to their daily avocations returning in the evening".⁴ In 1876 Gregory asked that the Moratuwa line be pushed further south to Kalutara.⁵

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1. C.O.54.509.91 Longden to Carnarvon 20/12/77; C.O.54.514.275 Longden to Hicks Beach 13/8/78; C.O.54.514.249 Hicks Beach to Longden 19/10/78.
 2. C.O.54.514.306 Longden to Hicks Beach 9/6/78 and Minutes; C.O.54.522.444 Longden to Hicks Beach 6/11/79; C.O.54.524.42 Longden to Hicks Beach 6/2/80; C.O.54.529.288 Longden to Kimberley 31/12/80; C.O.54.529.288 Kimberley to Officer Administrating the Government 31/12/80.
 3. C.O.54.494.131 Gregory to Carnarvon 24/12/74.
 4. Ibid. C.O.54.497.147 Gregory to Carnarvon 1/8/75.
 5. C.O.54.504.349 Gregory to Carnarvon 8/11/76; C.O.54.506.20 Birch to Carnarvon 25/1/77; C.O.54.507.18 Birch to Carnarvon 19/5/77.

This too was approved though the Colonial Office wished to satisfy itself that it would be remunerative; otherwise Carnarvon commented "we may have the planters complaining that we are approving less remunerative lines than those which they favour".¹

The railway establishment of necessity was a relatively restricted one, for even with the extensions undertaken in the seventies the track mileage was modest, while in 1867 there were only fifteen goods and two shunting engines, with six other engines under construction in England. Of the small staff recruited to operate the Colombo-Kandy line, all the senior posts were again of necessity filled by Englishmen. There were three Departments, Engineering, Traffic and Finance, under Heads who had full individual control, and these corresponded directly with the Director General and the Government.² The two technical Departments had the following staff:-

Engineering Department

Appointed in England - Locomotive Engineer £1000 a year, two Foremen at £300 and one at £250 a year and five Engine Drivers at £216 a year.

Appointed in Ceylon - one Draughtsman at £100 a year, four Foremen receiving from 2s. to 2s. 6d. a day, thirty seven Cleaners and Pumpers and six Fitters at 2s. to 4s. a day, six Smiths and one Engine Lighter at 6d. to 3s. a day.

Traffic Manager's Department - principal appointments:

Appointed in England - Traffic Manager £750 a year and one Inspector, £300 a year.

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1. C.O.54.504.349 Gregory to Carnarvon 8/11/76 and Minutes. Requests for an extension to Galle were not accepted. C.O.54.527.67 Hicks Beach to Longden 2/3/80.
 2. C.O.54.425.92 Robinson to Buckingham 23/4/67.

Appointed in Ceylon - two Station-masters at £250 a year, three Minor Station-masters at £50 a year, two Guards at £150 a year, two Under-Guards at £96 a year.¹

Of this staff the Engine Drivers and some of the Guards had to be selected in England, there being no Ceylonese with the requisite training. On the other hand most of the lesser technical personnel, like Foremen and Fitters as well as a large proportion of the employees on the traffic side, the Station-masters in particular, were appointed in Ceylon.

Modest as the establishment indicated in the Director's Report was, the Colonial Office considered it to be excessive. The Treasury referred the Schedule to Grierson, the Civil Engineer of the Great Western Railway for his observations. He agreed that the establishment was excessive in terms of the mileage covered by the line. Accordingly the Colonial Office asked the local authorities to try and reduce the staff.² However, the railway authorities in the island had their own problems to contend with: "The opening of railways in a new country" they pointed out, "is invariably attended with great difficulties. The Clerks, Porters and Signallers are necessarily untrained and inexperienced and the Freighters and Station-masters new to all the necessary arrangements ...".³ The Director General reported that in the early months the stations were glutted with goods and the hardships which followed the monsoons added to the problems of the new

1. C.O.54.400.7 Robinson to Cardwell 13/1/65; C.O.54.400.32 Robinson to Cardwell 27/2/65; C.O.54.405.186 Robinson to Cardwell 14/11/65; C.O.54.405.12 Robinson to Cardwell 27.1.67 and Ordinance 2 of 1868; C.O.54.425.98 Robinson to Carnarvon 10/5/67; C.O.54.427.199 Robinson to Carnarvon 29/8/67.

2. C.O.55.112. Carnarvon to Robinson 8/1/67.

3. C.O.54.437.110 Robinson to Buckingham 14/11/68: Molesworth's Report of 9/6/68.

and inexperienced staff. However the pressure had been relieved and the traffic carried down, reflecting the greatest credit on the railway staff. The Director therefore rejected Grierson's Report, claiming that under the difficult working conditions of a railway in Ceylon the staff was not too large.¹

In the earliest years the size of the railway staff had been the issue between the Ceylon authorities. But with the extension of lines to Nanu Oya, Matale and Kalutara and the consequent expansion in all Departments, the question became rather one of the conditions of service, and more particularly the degree to which Ceylonese were employed. These were the issues which became the subject of inquiry by the Colonial Office in 1878. The Secretary of State asked the Governor in 1878 whether members of the railway staff had been admitted to the privileges of the Civil Service, what their leave and pension rights were and whether it was desirable to place the railway officials on a permanent footing. The question affected the whole railway staff, European as well as native, for their position in comparison with other branches of the public service was anomalous. While the attention of the Government had been chiefly directed towards the construction and extension of the railways, the conditions of employment of the staff itself left much room for improvement.

Douglas, who was Colonial Secretary at this time, in his reply noted that "The idea of a Railway belonging to and worked by the Government was still so novel at the epoch when our main line was opened that it was not

1. C.O.54.425.92 Robinson to Buckingham 23/4/67.

surprising that in the absence of pre-existing experience no rules were framed determining how far the status of the railway servants should follow that of the servants of such great companies as the London and North Western for example or should approach in a greater or lesser degree to the fixity of tenure enjoyed by ordinary Government Officers".¹ The importance of determining the future status of the railway staff, he pointed out might be gauged from the fact that the number of those employed on regular monthly salaries on the railway was currently about three hundred. On opening to traffic of the lines to Matale and Nanu Oya the number would increase to about five hundred.² Most of these employees were natives to whom pension rights were a major attraction of Government service. The disparity in the terms of employment existing between the Railway Department and many other branches of the public service therefore needed particular attention.

The Governor informed the Secretary of State that only the Resident Engineer, the Finance and Traffic Managers and the Railway Store Keeper had been accorded directly the privileges of the Civil Service. After their first appointment, they were later re-engaged "without any limitation of time, power being reserved to the Government to terminate the engagement by six months' notice ... or payment of six months' salary".³ They were to be on the "same footing as regards pension and leave of absence as Officers on the Fixed Establishment" provided however that they would not be entitled to pension if the Government thought it proper to terminate them in the

1. C.O.54.517.71 Longden to Hicks Beach 22/2/79: Encl. Douglas' Minute.

2. The cost of the staff of additional Engine Drivers, Station-masters, Guards, Porters etc. required for working in the Matale extension alone was Rs.60,620/- according to the estimates of 1881.

3. C.O.54.517.71 Longden to Hicks Beach 22/2/79.

manner mentioned earlier.¹ No other Officers had the privileges of the Civil Service formally accorded to them. But here again there was an exception made in the case of some of those recruited abroad. Longden acknowledged that as an "act of indulgence" leave of absence had been granted to many Engine Drivers.

The considerations underlying these departures were indicated in the Colonial Secretary's Minute referred to above. The principal Officers of the Railway it was of course desirable to retain in the service if during the period of the first engagement they had shown themselves thoroughly qualified for their posts and also acquired local experience which was of immense value. Although this did not apply to the same extent in the case of Officers like Engine Drivers and Plate Layers, nevertheless where "men have been found for the latter posts who are sober, steady and contented ... and whose health stands the climate it is desirable to encourage them to remain for a term of years" by giving them reasonable privileges of furlough.²

It was obviously advantageous to continue the services of tried and able men, but the ad hoc arrangements which the Government had adopted left the railway service as a whole out of step with other Departments and without consistency in its internal arrangements. While senior Officers were treated in the main as members of the established Civil Service, all others were placed on the Provisional Establishment. These men were governed by no definite leave and pension rules. Longden urged that "It is extremely desirable that the status of the Railway Officials should be fixed for the

1. C.O.54.517.71 Longden to Hicks Beach 22/2/79.

2. Ibid. Encl. Douglas' Minute.

Department was a great and increasing one".¹ There were 382 men on the estimates with salaries ranging from Rs.150/- to Rs.1000/- p.m. Besides the staff, there was also a crowd of Pointsmen, Porters, Boilermen, Cleaners, Railway Police and labourers with wages aggregating Rs.124,680/-, the latter class of men being daily paid. The Governor considered that the terms on which the three leading Officers in the service had been engaged, offered a useful precedent to be followed regarding all the higher class of railway servants. But the extension of the rights of pension and leave enjoyed by the three leading Officers to an additional group of Officers was further complicated by the question of the desirability of extending such concessions not only to the Officers recruited abroad, whose services it had become necessary to retain, but to those selected locally who were largely natives. As Douglas pointed out, the railway establishment consisted of Officers and men partly introduced under engagement from England and partly recruited in the island. The former category constituted generally the superior Officers and those who had to possess special training such as Engine Drivers, Foremen and Plate Layers, while those whose duties did not call for such skills and were rather of a clerical nature were recruited locally. At the very outset a number of Head Guards had been also introduced from England for the purpose of training others, but currently the Guards, Brakesmen and Bank-riders were appointed locally. Some of them were Europeans and other Eurasians.² There were about 40 Officers of the

1. C.O.54.517.71 Longden to Hicks Beach 22/2/79.

2. Although locally recruited these Officers were not generally selected from natives, taking the term to include Burghers. The names of Head Guards and Guards in the Blue Books 1881-1883, indicate that they were almost all Europeans.

latter category drawing salaries varying from Rs.120 to Rs.60/- p.m. who in addition received extras in the shape of over-time and Sunday pay. Thus these lower categories, both native and European had also been excluded from the privileges of pension. Referring to these employees "recruited locally and more especially those born in the country" Douglas pointed out that "their rate of salary is such that they cannot save. If such persons be altogether debarred from pensions the same difficulty would arise as has been so strongly felt in the case of the Survey Department where after serving twenty five or thirty years and after an Officer was found to be incapacitated by age from performing future efficient service" he had "not infrequently to be kept on the full-pay list because it is impossible to turn him out on the streets to starve".¹ To meet the requirements of all these skilled employees and the large body of Clerks and manual labourers, mainly natives, equitably, was a difficult matter, unless by one sweeping change all of them were to be placed on the same footing and made pensionable. Douglas did not contemplate such a step. Instead he suggested a scheme whereby certain categories were to be granted particular privileges as enjoyed by the rest of the public service. The final scheme submitted to the Secretary of State by Longden was largely based on that prepared by Douglas.² Longden proposed

1. C.O.54.517.71 Longden to Hicks Beach 22/2/79: Encl. Douglas' Minute.
2. Douglas grouped the higher grades of Officers into two schedules. Those in schedule A were after being engaged for seven years, if found competent, to be accorded similar privileges in respect of pensions and leave of absence as other members of the public service. However unlike the latter it was to be opened to Government to terminate their term of office on six months' notice or pay. Those in schedule B were to have no claim to pension or leave of absence. Even among them however those recruited in England were to be granted six months' leave of absence on half-pay if found worthy of being retained in the service. Schedule A of Douglas' scheme consisted of the same categories of Officers as Longden recommended to the Secretary of State in his own plan. Schedule B of Douglas' scheme included Officers such as Inspectors, Foremen, Engine Drivers, Plate Layers, Head Guards, Brakesmen, Clerks, Station-masters and Firemen other than those in Schedule A.

that the privileges of the Civil Service regarding pension and leave of absence should be extended to certain Officers in the higher grades both as an encouragement for good men to remain in the service and as a reward for those with long and faithful service.¹ The important point for the Ceylonese was that four grades included in the list, those of Shroff, Senior Clerk, Head Guard and Station-master were generally accessible to natives. To them the scheme would have offered the benefit of earning a pension.

Longden saw one difficulty, however, in these proposals - the difficulty that Civil Service tenure implied permanency. The Colonial Office had already expressed some doubts on this point and Longden concurred, commenting "If the railways are to be maintained in efficient working order, if great and terrible accidents are to be avoided ... the Government must have the power of dispensing on fair terms^{with} the services of any Officer, who from any cause becomes no longer competent for the efficient and intelligent performance of his duty".² He therefore urged that the Government should retain the right to dismiss the unfit on six months' notice or payment in lieu. The power of discharge was considered to be especially necessary where there had been no misconduct but only "a failure of those qualifications which are necessary for the efficient performance of duty".³ Longden suggested

1. The following Officers were included in the list submitted: One Assistant Traffic Manager on Rs.6000/- a year; One Engineer of Way and Works on Rs.5000/- a year; One Assistant Locomotive Engineer on Rs.5000/- a year; One Engineer on Rs.4000/- a year; Three Locomotive Foremen and Two Station Superintendents at Rs.4000/- a year each; One Station Superintendent on Rs.4500/- a year; One Carriage Foremen on Rs.3000/- a year; One Shroff on Rs. 1700/- a year; Ten Senior Clerks on salaries ranging from Rs.1200/- to Rs.2000/- a year each; Four Head Guards at Rs.1500/- a year each; Ten Station-masters on salaries ranging from Rs.1200/- to Rs.1900 a year each.

2. C.O.54.517.71 Longden to Hicks Beach 22/2/79.

3. Ibid.

that it might be left to the Governor and Executive Council to grant such Officers when discharged without fault the pension to which they might be then entitled.¹ He hoped that this concession would be reasonable and would at the same time, enable the Government to exercise the power of discharging an incompetent Officer without undue harshness. Of the rest of the Temporary Establishment staff numbering about two-hundred-and-ninety Officers, only the English Mechanics and Engine Drivers might be granted leave of absence.

The proposal to give even some thirty five Officers near Civil Service status was considered with disfavour at the Colonial Office. Lucas pointed out that some of the Officers like first class Engine Drivers in the list who received as much as Rs.4000/- a year were well paid. The Colonial Office looked at the proposals mainly from the point of view of the implications they had for the Officers recruited in England. Another objection to the proposal was that they would give the local Government the option of granting a pension or not in certain cases of dismissals. Under existing rules if an Officer was guilty of misconduct he was dismissed without pension whether Civil Servant or not, "but if he is simply not up to his post in the Railway, by the new scheme he may be dismissed, the local Government deciding as to the pension".² But could it be doubted he asked that as in the case of the Civil Service "a person will ever be refused in such cases and ... can it be

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1. Elaboration this Douglas stated that the peculiar problems in the working of a railway had been brought home to the Government from experience gained during the past decade and a half. Some more summary process was needed for removing persons on whose steadiness and presence of mind the lives of people depended, than that laid down in the Colonial Regulations. Recently it had become necessary to discharge a railway Guard who could not recognise signals due to colour blindness. Such an Officer was not "cognizable under the above regulations. "An inefficient or untrustworthy Clerk can be dealt with in a public department by giving him work to do with which he can do no harm, involving only a certain waste of money, but the case of Railway Officers is unmistakably different". (C.O.54.517.71 Longden to Hicks Beach 22/2/79: Encl. Douglas' Minute).
 2. C.O.54.517.71 Longden to Hicks Beach 22/2/79: Lucas' Minute. (Lucas was Clerk at the Colonial Office).

doubted that in no long time a certain claim will be advanced and be practically recognized. In short the Railway servants will hardly if at all differ from ordinary Civil Servants one and the other being dismissed summarily if guilty of gross misconduct and quietly pensioned off if not up to the mark".¹ Thus in Lucas' view the question of pensions for railway servants was linked up with that of admitting them into the fold of Civil Service and this the Colonial Office was agreed in averting. However, as Meade who was inclined to treat the two issues of pensions and assimilation to the Civil Service somewhat separately pointed out, the Government was seeking to retain for a further period the services of men who had proved useful and efficient Officers. Consequently it had very little bargaining power as to the terms which could be offered to those whose first engagements were nearing termination. The Government "must give what will satisfy the men or adopt what may be the more costly expenditure of introducing new and inexperienced Officers".² But while thus not averse to granting pension rights to the railway servants, he however emphasised that "the one vital consideration on which we must insist was that no permanent character shall be given to the appointments" as would interfere with the Governor's powers to terminate the engagements summarily in case of incompetence or misconduct.³

1. C.O.54.517.71 Longden to Hicks Beach 22/2/79. Lucas' Minute 5/4/79.

2. Ibid. Meade's Minute.

3. Ibid.

inducement to re-engage the Officers took the form of pensions or leave privileges.¹ Eventually Lucas proposed a compromise plan. Summarising the two basic issues involved, he pointed out that while it was desirable on the one hand to retain experienced railway servants, on the other it was desirable not to give them a permanent footing. To achieve the former objective there were two alternative courses of action. First, to increase the wages and second to grant leave and pension rights as for Civil Servants. The one course was disadvantageous in so far as it did not make the Officer lay by for old age, leaving him thereby to the charity of the Government. The other was disadvantageous as it placed the officers on a permanent footing. Accordingly he rejected both courses. What was immediately required he said was to retain certain Officers in the Department. But to achieve this it was not necessary to attach pensions to certain "posts". What was needed was to consider each appointment on its own merits and grant any concessions to the individual Officers, whom it was considered necessary to retain in the service.² Longden's proposals were, thus, not accepted by the Secretary of State in his despatch of 12th September, 1879. The solution suggested at the Colonial Office however was not adequate and the question was re-opened before long.

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1. When in 1870 and 1877 similar issues had been raised in Mauritius, the Colonial Office would only offer Civil Service status if the railway Officers concerned would accept a reduction in their salaries. A review of the railway services in India and Australia was made but the Colonial Office ended up by laying down that "the first step towards putting the railway staff on the permanent footing enjoyed in the Civil Service must be a complete revision of the scale of salaries with a view to their being permanently reduced". (C.O.54.517.71 Longden to Hicks Beach 22/2/79. Encl. Lucas' Minute; C.O.161.524.112 Berkley to Kimberley 3/5/70; C.O.161.572.94 Phayre to Carnarvon 24/3/77; C.O.161.572.138 Carnarvon to Phayre 25/7/79 and Minutes).
 2. C.O.54.517.71 Longden to Hicks Beach 22/2/79: Lucas' Minute 23/5/79.

In 1881 a memorial was submitted to the Secretary of State by the Station-masters and other members of the railway staff who has served for periods ranging from five to twenty-four years. They were almost all natives. They siezed upon a phrase used by the Secretary of State in confirming Ordinance 2 of 1868 providing for the cost of the railway establishment. The latter had directed the Government "that the Schedule of the Establishment should be set out in detail in the Ordinance to be passed annually to provide for the expenses, until circumstances admit of a **Fixed** Establishment Ordinance being passed for the Railway following the example of the Ordinance for the Civil Establishment".¹ The memorialists held that this indicated an intention by Her Majesty's Government when circumstances admitted to have a Fixed Establishment for the railway. At the time the Department was being inaugurated, the Secretary of State had deemed "it advisable to defer any permanent Ordinance for the Railway for another year or more in order that experience may be gained as to the Establishment which may be permanently required".² They urged that since then the railway had been extended into the interior as well as along the coast. The railway "as a whole has proved a complete success and is looked upon as a permanent source of revenue", the net profits of the last five years averaging Rs.1,871,226. Accordingly, they said, the railway staff should be regarded as "permanent Government Officers with the necessary training and experience which entitle them to be placed on the permanent establishment".³ But while they continued to be

1. The Memorial was from fifteen Station-masters and twenty Clerks and Shroffs. (C.O.54.538.25 Longden to Kimberley 25/3/82: Encl. Station Masters' Memorial 8/12/81).

2. C.O.54.538.25 Longden to Kimberley 25/3/82: Encl. Station Masters' Memorial.

3. Ibid.

placed on the provisional establishment "some of the superior Officers ... though also nominally on the provisional establishment have had conceded to them the privileges, including claims to pension, which Officers in the ordinary Civil Establishment enjoy".¹ The memorialists added that the work which some of them had to perform was of such "a special character that they cannot reasonably look for promotion to other Departments ... and practically they had been debarred from such promotion, whilst others outside the Department are being admitted into it in recognition of their services".² Most of the memorialists were men with families, and with their limited salaries eroded by the increased cost of living it was scarcely possible for them to make provision for their dependants. They urged that they also be placed on the Fixed Establishment and granted the same privileges regarding pensions as those on it. Considering the fact that superior Officers having pension rights happened to be Europeans, their appeal was of significance.

These claims were strongly supported by the Director General. He agreed that the railway Officers were precluded by the technical nature of their work from service or promotion in other Departments. Duties were more onerous and responsible and hours of work longer. Railway salaries were also lower than those in banks and mercantile offices. This was not merely disadvantageous to the railway staff but to the interests of the Government itself, as it tended to "render them discontented with their position " driving them to try to better their prospects elsewhere."³ He agreed with

1. C.O.54.538.Longden to Kimberley 25/3/82: Encl. Station Masters' Memorial.

2. Ibid.

3. C.O.54.538.134 Longden to Kimberley 25/3/82: Encl. Director General of Railways to Colonial Secretary 16/3/82.

the memorialists that the Secretary of State's despatch of 17th March, 1869 had not intended to create any distinction between the railway staff and other Departments but only to postpone their inclusion in the Fixed Establishment till the necessary experience had been gained. That experience, he said, had long since been acquired. Moreover, the commercial success of the enterprise was quite unprecedented. For the past ten years dividends had averaged Rs.1,703,071. or 8.4 per cent on the capital. "I know of no railway the capital of which had been recouped by such handsome dividends" he urged.¹ The cost to the Government on account of the pensions would not exceed Rs.11,600, really a very small sum.

To the need to extend the benefits enjoyed by the rest of the public service to the railway staff, in order to retain experienced European Officers, was thus now added the need to offer subordinates the pensions and fixity of tenure which were the chief attraction of Government Service. Since the few senior Officers who had secured Civil Service status were all Europeans, while the majority who were denied such privileges were in the main natives, it was only too likely that a denial of the memorialists' claims would be interpreted as racial discrimination. Such inferences had been drawn in the similar dispute in the Surveyor General's Department. This was one of the unhappy features of the Colonial Office's rejection of Longden's proposals in 1879, for his scheme would have benefited a considerable number of natives as well as the senior Europeans. Now the whole issue of railway service conditions had been raised again, by a group of men who were almost entirely Ceylonese.

1. C.O.54.538.134 Longden to Kimberley 25/3/82: Encl. Director General's letter.

Forwarding the memorial of the Station-masters Longden added his own plea for the introduction of a pension scheme. He said that the Governor and the Executive Council "should be empowered to grant as a matter of grace after twenty years' service, to any railway servant whom it may be necessary to remove from the service for no other reason than the failing energy inseparable from age, a superannuation allowance ..." not exceeding what an Officer in the Fixed Establishment might be given.¹ Here the stress was on the need for some means of gracefully removing the aged or infirm native Officers who in the absence of a pension would try to cling to their posts. The Director General, in his support for the memorial had stressed another aspect, the need to improve the attractiveness of railway employment so as to prevent good men leaving the service. The extension of pension rights to railway staff might thus serve two purposes: it would induce able men to remain and permit the Government to remove **without** hardship the elderly or unfit.

The Colonial Office was thus once again confronted with the question of extending the privileges of the Civil Service to the **Railway Department** but now presented from the view point of its native Officers. On this occasion, too, they were not prepared to **deal with** the claims of the lower Officers on their own merits, but they found it more difficult to find logical grounds for the refusal. In 1879, they had refused to grant pension rights to railway staff because the senior men recruited from England already received high salaries designed to compensate for the absence of pensions. Lucas in his minute of 12th May, 1882, repeated the argument that salaries had been

1. C.O.54.538. Longden to Kimberley 25/3/82.

fixed on the understanding that Officers would not get pensions. However, since the memorialists supported by the Director General had shown that the locally recruited Ceylonese staff did not receive high salaries, Lucas had to shift his ground and argue that it was not possible to deny pensions to the well-paid Europeans "and give pensions to other members of the service who are natives of the colony".¹ (He overlooked, of course, the fact that the three highest Officers, Europeans, already were entitled to pensions). Lucas also repeated the earlier argument that if the local Government was given the power to award pensions at their discretion, pensions would "practically never be refused". This would give an undesirable security of tenure - as Meade put it, "It would be impossible to work the railway safely and well without the power of immediate dismissal".² Yet Lucas realized that some positive action must be taken to meet the grievances of the memorialists. "I cannot think it right to leave the Railway servants wholly without pensions ...".³ The alternative to pensions that he suggested was to have a superannuation fund on the lines of those existing in the British railway companies.

At this point Kimberley, the Secretary of State intervened asking that the Indian practice be ascertained before coming to a decision. Lucas reported that in India "the permanent members of the staff on state railways receive pension as belonging to the Uncovenanted Service, except the lower classes of native servants ...".⁴ Kimberley inquired "whether we are right

1. C.O.54.538.134 Longden to Kimberley 25/3/82: Lucas' Minute 12/5/82.

2. Ibid. Meade's Minute 2/6/82.

3. C.O.54.538.134 Longden to Kimberley 25/3/82: Lucas' Minute 12/5/82.

4. Ibid. Lucas' Minute 9/6/82.

in pursuing in Ceylon a system different from that in India".¹ Meade replied with the comment that India was "scarcely an example for us to follow in the matter of expenditure". He pointed out that the revenues of the Colony had begun to decline, that a Retrenchment Committee was sitting and suggested that it would be "a very inopportune moment to increase the pension list ...".² In the end it was Lucas' suggestion for creating a voluntary pension scheme which found favour at the Colonial Office. Robinson, the Traffic Manager of the Ceylon Railway was accordingly informed that the Secretary of State saw no reason to alter the decision of 1879 that it would be "unwise to extend to the Railway Department the privilege of pension" as enjoyed by the Civil Service. It was however conceded that a provident fund be established for the Department "the members of which run greater risks to their health than the majority of Civil Servants".³ It was suggested that the system of superannuation funds existing in most of the railway companies of England, by which every member had to contribute an amount, the Company contributing a corresponding sum, be adopted in Ceylon too. Steps were taken accordingly to introduce a system of superannuation. Although the Colonial Office refused to concede pension rights to railway servants, it was forced to recognize that some improvement in their conditions had to be made.

The memorialists of 1881, it will have been noted, occupied such positions as Station-master, Clerk or Shroff - that is Cashier - and it was in such non-technical posts that Ceylonese in the main had secured employment

1. C.O.54.538.134 Longden to Kimberley 25/3/82: Kimberley's Minute 10/6/82.

2. Ibid. Meade's Minute 1/1/83.

3. C.O.54.538 Colonial Office letter to Robinson 15/1/83.

It was evident that with the passing of ^{time} the practical exclusion of Ceylonese from technical posts should become a cause of dissatisfaction and complaint. In 1880 this found further expression in the Examiner.¹ This took offence at the assumption "that our Engine Drivers and Guards should invariably be Europeans" and at the actual situation in which all the Drivers were Europeans except for two East Indians or Eurasians and some Caffree descendants, and the Guards were in like manner almost all Europeans.² The paper deplored the expense involved in recruiting in England, demanded that all positions should be filled "irrespective of caste and creed" and asked those who doubted native competence to direct their attention to the natives already on the railway staff. It pointed out that the Shunters were invariably natives, for the Europeans just appointed had to resign "on account of the heaviness of the work and the climate". The success of native drivers of pilot and shunting engines showed that it was nonsense to reject natives for lack of scientific knowledge: the truth was that "the engine drivers of the present day know no more of Mechanics than any ordinary native, nor could he explain the scientific points on which the construction of the engine is based".³ Similarly, since natives regularly occupied the position of Station-master, Booking Clerk and Signaller, presumably "invested with as great a measure of responsibility ... as an Engine Driver or a Guard", these latter posts could not be closed to natives on the grounds that they were unfit to bear responsibility.⁴ The Examiner urged therefore that native

1. Overland Examiner 1/5/80.

2. The Examiner had earlier commented that the railway was becoming "a large employer" of educated Ceylonese and had even urged that appointments be made dependent on a competitive examination (Overland Examiner 13/4/77).

3. Overland Examiner 1/5/80.

4. Ibid.

drivers should be more widely employed, giving them an extended training at the Ceylon Railway Factory and practical experience under the charge of a skilled driver as in India. The paper drew a pointed contrast between the position of natives in the Railway in Ceylon and in India, where they were largely employed as drivers.¹ Finally the Examiner made a specific complaint that while native Firemen with many years experience had not been promoted Drivers, two European lads had been promoted from Firemen to minor and finally to full Drivers on a salary of Rs.3000/- a year. The natives, the paper declared, had not been so promoted owing to "party feeling". Such treatment, it was argued, discouraged the "many Burghers and native lads at the Railway Factory who on completion of their education" would be competent to take up the post of Firemen, but could see no chance of further promotion to Drivers.

The railway as a Government Department, came comparatively late upon the Ceylon scene, and in its higher appointments, to such posts as Engineers and Traffic Managers, it called for technical skills and experience not available in the island. Quite early, however, some staff appointments, on the Clerical and Financial side, and as Station-masters and in a few cases even technical positions such as Shunters, Drivers and Guards came to be occupied by Ceylonese. It was natural with the increasing number of educated natives seeking employment in the public service, that pressure should grow for the opening of further positions to native candidates. However, despite the evidence within the island of native aptitude for semi-technical

1. MacGeorge, Ways and Works in India. pp.424-5. MacGeorge gives the number of Indian Drivers and Shunters as 278 and 269 in 1881 and 826 and 472 in 1890.

work such as that of Engine Drivers, and the example of India of large scale employment of Indians in this way, few Ceylonese had penetrated into these European preserves, by the end of our period. On the non-technical side Ceylonese had greater success in securing appointments. Here again, however, Colonial Office preoccupation with the service terms of European recruits denied to Ceylonese employees the privileges enjoyed by other public servants notably that to a pension. Despite the rapid growth of its network and its great financial success, the Ceylon Railway in this period provided only a limited and rather disappointing outlet for the English educated Ceylonese.

The same disappointing position was to be found in the other minor and miscellaneous services undertaking work of a technical or semi-technical nature, such as the Telegraph Service, the Government Printer's Office, the Botanical Gardens and the Forest Service. The electric telegraph had been introduced into Ceylon in 1858 when Colombo was connected with Galle, Kandy and Mannar. In 1865 a line to Trincomalee was built and by 1876 Colombo was linked with Polgahawela, Kurunegala, Anuradhapura, Batticaloa and Badulla.¹ Ceylon was connected with India in 1859. In 1869 the Ceylon Telegraph Service was handed over to the Indian Government and was managed by the Indian Telegraph Department² till 1880. As early as 1867 the Indian Government had proposed that Ceylon should reduce its tariff charge on messages to India or that the Government of India should be allowed to take over and work the Ceylon telegraphs, appropriating whatever profit or loss that was incurred.

1. Mendis, G.C. Ceylon Under the British. pp. 66;73.

2. C.O.54.519. Longden to Hicks Beach. Confid. 19.6.79.

Robinson who was Governor of Ceylon at the time had agreed to hand over the working of the line to the Indian Government as it was working at a loss of about £1000 p.a. at the time. When being taken over there were Telegraph Offices at Colombo, Galle, Kandy, Mannar and Trincomalee and a staff of Telegraph Masters and Signallers a large number of whom were natives.¹ Colonel Robinson the Director General of Indian Telegraph agreed to take over all who volunteered for service and were qualified.² Those who did not receive employment were to be compensated by the Ceylon Government according to the arrangements.

This arrangement, which was partly dictated by the fact that Ceylon was at that time the medium of telegraph communication between India and the Far East and Australia lost its raison d'etre when Madras was linked by cable with Singapore enabling messages to be sent from India to the Far East and Australia via Madras instead of through Ceylon.³ From 1874 the Director General recognised that this "had materially reduced India's interest in the efficiency of the Ceylon telegraphs". The development also meant that the Indian Government was no longer ready to shoulder the losses incurred by the Ceylon Telegraph Service, and the question of making some new inter-Governmental financial settlement was therefore raised. In June 1879 Gregory indicated that he was ready to negotiate new terms for the continued Indian management of the Ceylon Telegraphs or to resume the management of the service from 1st July, 1880.⁴ The Indian Telegraph Department offered to

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1. Besides the Telegraph Masters at the offices, there were in the establishment ten Signallers, in Colombo, three at Galle, three at Kandy, one at Trincomalee and two at Mannar.
 2. Telegraph letters from India 1867-1869. Government of India to the Secretary of State for India, 16 of 17/5/69. Director General of Indian Telegraphs to the Secretary to the Government of India. (India Office).
 3. Debates, Legislative Council, 1873, p.88.
 4. C.O.54.521.402 Longden to Hicks Beach 10/6/79; Administrative Reports 1880, p.95.

continue on payment of Rs.70,000 a year to cover losses on the working of the Ceylon telegraphs, but the Ceylon Government chose instead to resume direct management.

The hope of the Ceylon Government was that by amalgamating the Ceylon telegraphs and Post Office under the Postmaster General losses could be reduced and the telegraph service worked "satisfactorily and economically".¹ This combined service which conformed to British and European practice, was sanctioned by the Colonial Office. Accordingly the Ceylon Government took over from the Indian telegraph service, inheriting eighteen Telegraph Masters, fifteen Signallers and miscellaneous subordinates such as Linesmen, and proceeded to try and integrate them with the Post Office service. However, Skinner, the Postmaster General, found that amalgamation was more difficult than anticipated. Most of the Telegraph Masters had been in charge of telegraph offices in Ceylon in which the traffic had not averaged ten messages a day and had lost any working capacity which they might have possessed.² Postmasters on the other hand were many of them too old to receive oral messages quickly and their education in signalling occupied a longer period than anticipated. Since he hoped eventually to require his model Postmasters to possess a fair knowledge of English, Sinhalese and Tamil, spoken and written, and thorough acquaintance with practical telegraphy, Skinner really had to look to new recruits, rather than the old hands. He recognised that this would eventually require an increase in salaries. But he considered that the service was "a very fair opening to

1. C.O.54.521.402 Longden to Hicks Beach 10/6/79; Administrative Reports, 1880, p.95; Also Telegraph letters from India 1879, 41 of 5/9/79 (India Office).

2. In 1882 out of 34 Telegraph Masters and Signallers at least 8 were Burghers, 6 were Sinhalese and 3 Tamils. (Blue Book 1882, p.265).

Ceylon youths who are anxious to lead steady and industrious lives".¹ However he observed that the combined service was not likely to attract young men of the island for some time. As compared with other Departments, in his "the hours are long and the work is hard". Besides liability to night duty was regarded as a very serious objection. Skinner wrote that an advertisement calling for candidates for "instruction in signalling to fit them for situations in the combined Postal and Telegraph Departments had appeared for some time in the local papers^{but} was answered by some ten candidates only one of whom was able to pass the ordinary examination while at the same time 700 names had been submitted ... as candidates for the examination for entrance to the Clerical Branch ...".² He added however that there must be hundreds of young men in the island^{fit} for employment in the Department if they would only make up^{their} minds to like work. Most of the Ceylon youth "are content to live on their parents as long as they can and if work they must, they elect to earn their livelihood in the easiest method possible, the majority of them preferring Rs.20/- a month and book-keeping to a higher salary and better position, if these advantages are to be gained by mental effort and at the expense of physical energy or some discomfort".³ Skinner was perhaps glossing over a little lightly the arduous nature of the work and the comparatively modest salaries paid - Telegraph Masters started at Rs.624/-p.a., Signallers at Rs.528/- p.a.⁴ But even so by 1880 and in the following years he was able

1. Administrative Report 1880, p.95C.

2. Ibid.

3. Ibid. p.96C.

4. Blue Book 1882. p.265.

to report that amalgamation had succeeded and that "the majority of the senior men now employed ... are not only capable of performing the varied duties but are able to render efficient service in extending its (the Department's) functions ..."¹.

The question of appointing natives as Lighthouse Keepers, which came up for consideration in this period, is of interest not because it opened a wide field to English-educated Ceylonese, but because it reveals English attitudes towards the employment of natives in interesting fashion. The matter arose when the Secretary of State forwarded to Longden a letter of 19th October, 1878 from the Board of Trade. The letter stressed the very useful economies which might be effected "by encouraging natives to qualify themselves to take charge of the Light Houses", on the Great and Little Basses. The letter was referred to Blythe, the Master Attendant at Colombo. He reported that the question of "natives having sole charge of the Basses Light Houses has been thought over and recognized by me as an eventuality that must be; as soon as time has supplied the necessary test to enable me ... to select such men as may naturally be best fitted for such a trust". The management of the lighting apparatus which he regarded as requiring only a simple training was not a problem. The difficulty arose from social attitudes "of the two sections of our native population the Cingalese (sic) and Burghers that may be selected from, I should have preferred the former as being better fitted naturally, than the other, for such a peculiar service, but for the necessity of qualifications of reading and writing, as

1. Administrative Report, 1882, p.190 D.

unfortunately those Cingalese who read and write are generally not artisans or such as could be fitted for such posts".¹ He proposed however to train men to take charge of Light Houses before the period of service of the present European Light Keepers expired. The Governor however raised a further point revealing a distrust which Blythe did not feel. He replied to the Secretary of State that while he had "no scruple whatever in intrusting to natives properly trained the care of the Light Houses at Colombo, Galle and Trincomalee, which are under perpetual observation and may be visited every day or night ... I think that the intrusting to the natives the care of such important and at the same time such isolated Light Houses as the Great and Little Basses requires grave consideration".² He reported that in the Madras Presidency "natives (Asiatics) have not been placed in sole or partial charge of any Light Houses" while "the Light Houses throughout the Straits settlements have a European or Eurasian in charge".³ In Hong Kong a Light of the fourth order was said to be "in charge of a Chinese only under frequent supervision. But Chinese are so far superior to the bulk of the other Orientals in steadiness and intelligence that the successful employment of Chinese in any pursuit is by no means a guarantee that the employment of other Orientals in the same pursuit would be equally successful".⁴ After this frank revelation of prejudice about the character of Ceylonese, he proceeded to explain that he had no desire to prevent the employment of natives as Light Keepers if they were capable but he felt that "a great

1. C.O.54.517.44 Longden to Hicks Beach 4/2/79: Encl. Blythe's letter 24/1/79.

2. C.O.54.517.44 Longden to Hicks Beach 4/2/79.

3. Ibid.

4. Ibid.

responsibility" would attach to their employment in places so remote from supervision. He himself accordingly thought the employment of natives in charge of Light Houses did "not appear to be warranted by experience in India".¹ To the end of this period there does not appear to have been any change in the position.

In the Botanical Gardens, where the staff was in any case minute, the limitation upon advancement of natives was not aptitude or character but the negligence of the Department in training natives. The new Director, Trimmens who succeeded Thwaites wrote in 1880 regarding the native employees of the Gardens as follows: "of these men, I can speak only in praise; they are very industrious and very obliging ... But from necessity not one of them has had a training in horticulture such as a gardener in Europe" would possess.² He added "nor during their employment here has any opportunity of acquiring more than can be picked up by their own ... experience been afforded them".³ Only the Clerk could be entrusted with "the more delicate operations". But being Clerk and Foreman he was burdened with two offices already. Trimmens had little doubt however that "many of the natives possess a natural aptitude for gardening and would readily acquire an adequate proficiency in its methods, if an opportunity of learning them were afforded".⁴ If this was done, he contemplated the possibility of making the natives so trained local Superintendents in various districts. But for this purpose he wanted the

1. C.O.54.517.44 Longden to Hicks Beach 4/2/79.

2. C.O.54.531 Longden to Kimberley 23/1/81: Encl. Trimmens' letter 14/12/80;
C.O.54.526.30 Longden to Kimberley 24/6/80: Encl. Trimmens' letter 10/5/80

3. Ibid.

4. Ibid.

services of a trained English gardener from the Kew Gardens to be in charge of "horticultural work" and to "instruct by example and precept his Native Assistants and thus spread a practical knowledge of gardening operations ...".¹ the Officer to be on a salary of Rs.2000/- to Rs.2500/- p.a. with a house and free passage provided.¹ However, Meade observed, "After all these years under Dr. Thwaite's (the former Director of the Gardens) able management, they have not trained a native to perform these ordinary garden duties".² Thus about this time an attempt was made to train natives in the Department on scientific lines, but with little success.

In the Forestry service, established in 1873, plans for imparting an advanced scientific training were debarred by considerations of cost. Longden reported in 1878 "No doubt men trained in the great European Schools of Forestry would bring a better scientific training to the discharge of their duties, but ... the individual salaries are too small to offer any inducements to trained European Foresters to accept these appointments".³ Moreover, those habituated to the climate and resident in the island were preferable. As the most valuable forests were in the Central and Northern parts of the island, to send Foresters "fresh from Europe to these unhealthy districts where their work must chiefly be, would be to incur a responsibility which no Government ought to incur in respect of the lives of its Officers".⁴

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1. C.O.54.526.30 Longden to Kimberley 24/6/80: Encl. Trimmens' Letter 10/5/80.
 2. Ibid. Meade's Minute 26/7/80.
 3. C.O.54.512.32 Longden to Hicks Beach 10/2/78.
 4. Ibid. See also C.O.54.487.237 Gregory to Kimberley 31/7/73; C.O.54.506.53 Birch to Carnarvon 22/2/77; C.O.54.521.320 Longden to Hicks Beach 15/8/79.

On such general grounds the plan put forward by Sir Joseph Hooker, Director of Kew Gardens, through the Colonial Office in 1880, for a Forest Department under an experienced Chief Conservator of Forests was also rejected - an additional ground for rejection being that the Forestry Officers worked closely with the Government Agent of the provinces, with whose control a centralised system would clash.¹ In this period, therefore, no new technical service in Forestry was opened up to which the new class of English-educated natives could aspire. The Ceylonese who were employed in the Forestry service were the headmen: as Longden explained "The actual work of protecting the forests from spoliation ... is carried out by the native headmen ... appointed by the Government Agent in each province responsible to him alone and removable by him ... It would be next to impossible to obtain equally efficient services as economically by any other means".²

In the foregoing pages an attempt has been made to discuss the extent to which educated natives were employed in the technical departments of the public service and to examine the factors which favoured or hindered their admission to and prospects in those departments. In the early years particularly the main factor disqualifying them from entry into the technical services, especially in the higher grades, was obviously their lack of special technical training. If the higher grades of the Public Works, Survey and Railway Departments were almost invariably recruited from abroad, this was not simply because of racial discrimination, and although an occasional case might seem to smack of injustice, the general disparity between the

1. C.O.54.528.164 Longden to Kimberley 30/9/80.

2. C.O.54.531.83 Longden to Kimberley 19/2/81; C.O.54.531 Kimberley to Hooker 25/3/81.

professional educational attainments of the higher grades of European Officers and the native subordinates was too patent not to be observed even by the most touchy native.

Accordingly native dissatisfaction was directed not so much against lack of appointments as against the lack of facilities for obtaining a technical education. There was a growth in the number of educated Ceylonese youth passing out from the schools in this period, and there was likewise a marked expansion in the technical services in the island. But it was in the field of medicine alone, by the establishment of the Medical College in 1870, that any effective step was taken to marry the needs of the services to the rising expectations of the English educated. Otherwise such technical training as the natives could acquire had to be sought from the Government Factory maintained by the Public Works Department, from the Railway Factory, or, as in the Botanical Gardens, from practical working experience. The abolition in 1870 of the Queen's College, the collegiate section of the Colombo Academy which had been affiliated to the Calcutta University, even closed down one avenue to would-be engineering students. This was a particular blow, as the Examiner bitterly complained, since it had been the link with an India in which provision of technical training had been growing.¹

James Thmason, Lieutenant-Governor of the North Western Provinces, an enthusiast for canal and road construction, had established an Indian Engineering College at Rurki as early as 1848, and by 1850 this institution was already supplying engineers to the Public Works Department. Another College of Engineering was established at Sibpur near Calcutta, and the Engineering

1. Overland Examiner 22/11/79.

class opened at Elphinston College, Bombay in 1844 had developed in 1854 into the Poona Civil Engineering College, and in 1865 into a College of Science affiliated to Bombay University and educating candidates for an Engineering degree. The Madras Civil Engineering College, affiliated to the Madras University in 1877, also prepared students for Engineering degrees.¹ The closing down of Queen's College, as already noted, further weakened Ceylon's link with this expanding scientific side of Indian University life, and it was offset by no new developments within the island. Obviously the needs and resources of Ceylon were very small in comparison with those of India, but this was perhaps all the more reason for facilitating Ceylonese entry into the Indian University system.

The Examiner had complained of a particular injury to native prospects, but in 1876 the Tamil member of the Legislative Council raised the whole question of technical and scientific education in its widest form. In a motion before the Council he pressed for the encouragement of education in Science and the Arts, defining the latter not as the fine arts but "technology" or "industrial arts". He reminded the Council that the Education Committee of 1867 had pressed, even at that early date, for more science teaching. The sixth question asked by that Committee in the questionnaire to witnesses, was, as to whether in the Ceylon schools more words ~~than~~ ideas were taught and whether it was advisable to impart a knowledge of "physical facts and physical sciences".² There had been a consensus as to the importance of such teaching. Paragraph 69 of the Report of the Committee

1. Cambridge History of the British Empire V, pp.337; 363. Armitage, W.G.H. A Social History of Engineering, p.163.

2. Debates, Legislative Council 1876, p.178.

had pointed out that while the Roman Classics should not be neglected they should not engross too much of the time of the students: mathematics, pure and mixed, should form an essential part of the studies and the need for greater attention to "natural philosophy" and "physical sciences" was stressed. Coomaraswamy likewise quoted the views of Sendall, the Director of Public Instruction, on the importance of teaching physical sciences in the education of Orientals. He also quoted the views of Anthoniz, a teacher of a Central School, and a native. Anthoniz in his evidence to the Commission had endeavoured to impress the importance of the Physical Sciences, on the authorities. Boys were interested in science education, but he, (Anthoniz) regretted that the requirements of the examinations had forced him to devote less time to it than was desirable. Others like Spaulding and Hawkins had also stressed the importance of these studies.¹ Although all these had agreed on the importance of teaching science, nothing had so far been done, Coomaraswamy complained, to carry out those views. While he was in England, Coomaraswamy had drawn the attention of the authorities to the subject "... the real and most useful knowledge which can be imparted to us Orientals is after all an acquaintance with physical facts. Our fault has hitherto consisted in not attending to them. The study of Nature and her laws appears to have been neglected in the East for a long time. To that neglect, to a great extent, must be attributed our decadence in the scale of nations. We studied words. We wrote perfect grammars, profound dictionaries ... poetry and speculated in metaphysics of a transcendental character. We ... remained long under the spell of fascinating but

1. Debates, Legislative Council 1876, p.179.

comparatively fruitless learning. Will this Council then perpetuate the system under which we degenerated" Coomaraswamy asked, "and not give us the advantages of European civilization, its very life blood" - the scientific knowledge and the industrial arts?¹ "If in England, where the nation is ... practical to a fault, physical sciences are necessary to be taught ... that any remnants of superstition ... may be swept away and the people uplifted to a higher level ... how much more necessary is similar teaching here, where superstition and ignorance ... exist to an unknown extent. The surest means of removing this is by indoctrinating us with scientific knowledge. So only can improvement be engrafted on the Asiatic minds. Their old superstitions must crumble away and their crude notions of men and things be dispelled in the face of positive facts. The logic of these is irresistible".² Coomaraswamy's impassioned plea for scientific education was couched in the most approved terms. Doubtless, he realized however that what he considered to be theoretically desirable had after all a more mundane and practical significance. Scientific and technical education was a means to secure employment in the Public Service. Referring to the view held by some, that it was not necessary to educate the people as it made them anxious "for Government appointments" Coomaraswamy asked whether natives were entirely to blame for yearning only to be Government Clerks, Proctors and Advocates.³ They could only enter such positions as their education opened to them. The education hitherto available had fitted them only for those positions. Some got a knowledge of English and a few got a knowledge

1. Debates, Legislative Council 1876.p.179.

2. Ibid.

3. Ibid. p.180

of Latin and Greek. The learned professors "full to over-flowing there was no room for others to enter them". Under these circumstances the Government should open facilities for science education in the schools. But besides the Public Works Department and the Survey Department should be utilized to a great extent for training natives on technical lines. He added that the demand for Officers in these Departments was daily increasing. Even if there were no other, this alone was sufficient reason for the extended training of Ceylonese. Technical staff should be recruited from the people of the country duly trained, rather than by importations from England: if men were not available now it was because no training facilities were provided.¹

The Examiner in the same year stressed the need for such facilities. It complained that the English University Scholarships awarded to natives annually to proceed abroad for higher education confined them to Oxford and Cambridge.² In order to enable Ceylonese to qualify as Engineers and Surveyors it urged that the winners of these awards should be allowed to follow professional courses. The Government, declared the Examiner, rested satisfied with offering the scholars a liberal education "without bestowing a thought on the after-life-career of those students".³ The Legal and Medical professions were already getting over-crowded, while the Mechanical Arts still promised fair scope for natives. The paper also drew attention to the imperfect nature of the science taught at St. Thomas' College and the Colombo Academy.⁴ It urged the setting up of an exclusive College of Civil

1. Debates, Legislative Council 1876, p.180.

2. Overland Examiner 28/11/76.

3. Ibid.

4. Overland Examiner 17/9/72, 22/11/79.

and Mechanical Engineering to supply the deficiency.

Despite Coomaraswamy's appeals to the Gods of Victorian England and the complaints of the Examiner the Ceylon Government showed itself very unenthusiastic about the advancement of scientific education. Replying to Coomaraswamy in the Legislative Council the Auditor General asked whether the Government was justified in spending great sums on higher education when large parts of the island had no vernacular schools. He reaffirmed that it was Government's policy that until each group of villages had a village school nor larger expenditure be incurred on higher education. The Colonial Secretary for his part rested the case for inaction upon the useful classes already being conducted at the Factory of the Public Works Department and the training given in the Railway Engineer's Department and in the Survey Department.

Thus up to the very end of our period no new initiative in this direction was taken.¹ The limited number of superior technical officers required for the Colony continued to be recruited from England while the natives needed for the lower grades were given such training as was possible in the different Departments and associated organs. However during the period of this study, the technical departments had been reorganized and considerably augmented. An increasing interest in these branches was being evinced by educated natives and it was clear that their entry to these new spheres of employment could not much longer be delayed.

1. It should be noted of course that the provision of professional training of this sort was a late development in England itself. Coopers' Hill Engineering College had been established in 1871 to provide Engineers for India. Only about the year 1852 was the Science and Arts Department at South Kensington placed under the Board of Trade and began holding examinations. After the Devonshire Commission's Report of 1875 a National Scheme of Technical Education was contemplated leading to the formation of the City and Guilds Institute in 1880. (This account is based on: Curtis, S.J., History of Education in Great Britain, pp.492-496).

CHAPTER TEN.

THE MEDICAL SERVICE.

The origins of the Medical Department in Ceylon may be traced back to the beginning of the nineteenth century, to the establishment of army surgeon under the control of the Physician General of the King's forces in Ceylon. Then in 1800, as part of his campaign against small-pox, Governor North set up a Civil Medical Department, and from 1802 both the Civil and Military Medical Departments were placed under the control of the Inspector General of Hospitals, a military Officer. The growth of the civil side was extremely gradual and in 1866 the entire establishment still consisted of no more than one Principal Civil Medical Officer and thirty-eight other Officers, the figure fixed for the Colony by Ordinance I of 1858.¹ Even of the thirty-eight Officers, ten only had the rank of Colonial Surgeon or Assistant Colonial Surgeon, the rest being mere Medical Assistants. Moreover, outside Colombo there were very few towns in which doctors were to be found in private practice.

The first feature, then, of the Medical Service was its smallness. The second - and this was rather striking in a superior, scientific or professional service - was that the expansion and reorganization of the service was accompanied at every stage by a ready recognition of the need for extended recruitment of natives. The third was that there were no facilities in Ceylon for the provision of a systematic medical education, even as late as 1868. The Government was anxious to recruit native doctors, but apart from those who had qualified in England or India, such medical men had only such limited training and knowledge as could be acquired departmentally. In

1. Ceylon Government Gazette 9/1/58.

1863, of 31 medical Officers in Government service, four possessed English qualifications, ten were licentiates of the Bengal Medical College while the rest had no qualification other than practical experience.

In 1866 Dr. Charsley, the Principal Civil Medical Officer drew attention to the inadequacies of the department and urged a reorganisation.¹ He pointed out that it was necessary to maintain a certain number of medical stations to serve Government employees, to attend to prisoners, and to aid judicial enquiries, since often only medical evidence could bring crimes to light. But while the need for skilled medical practitioners was considerable and growing, the condition of the department was deteriorating. Of the twenty eight Officers serving in 1861, only thirteen had been efficient, and now one had recently resigned and others were dissatisfied. Of thirty seven Officers who had joined the service between 1861 and 1866, ten had died or retired.² Of the remainder some were over fifty years of age and would soon retire, while others were in poor health. He foresaw that in two or three years time there might be only about fourteen Officers left to perform the duties of the entire service.

It is clear that in part, the problem was that of two generations of medical men: the older doctors now reaching the end of their careers, had been ready to serve on modest salaries, but the younger better qualified men were not ready to do so. Dr. Charsley was particularly anxious to retain the properly educated younger men who had joined since 1861, three who had been educated abroad at their own expense, four who had been trained at Calcutta at Government's expense, and two others had passed a local

1. C.O.54.412.82 Robinson to Cardwell 29/4/66: Encl. Charsley's letter to the Colonial Secretary 13/2/66.

2. Ibid.

examination in Ceylon. These men were serving on a salary of £110 a year, and could not expect to remain content with such a scale. Three of the Government students were bound to serve for a minimum of five years, but were likely to retire thereafter unless their prospects of advancement were improved. Better terms were necessary, however, not merely to retain those already in the service, but to attract others to fill the anticipated vacancies. Thus there were six medical students currently qualifying in Calcutta and in England, but experience had shown that "with the example of secession before them, only those will join who cannot get better employment elsewhere". The time had therefore arrived to take immediate measures to place the department on an improved footing.

A new urgency had been imparted to the situation by the separation of the civil and military establishments. Earlier their association in one service had ensured a ready supply of qualified European doctors to the higher grades. Now it would be necessary to recruit trained native recruits for the civilian service, since Europeans were expensive and difficult to obtain. To secure such qualified natives, Government had undertaken to have students trained in India at its expense. Dr. Charsley wished to end that system, and he ~~stated~~ that if the prospects of Government service were sufficiently improved Government would be "saved the expense - not always attended with success - of educating their own officers", and could also hope to attract "a number of respectable young men of this country ... now being trained in Europe as medical men at their own expense".¹

Dr. Charsley had appealed to Government for a reform of the Ceylon

1. C.O.54.412.82 Robinson to Cardwell 29/4/66: Encl. Charsley's letter 13/2/66.

medical service without success in 1861, but now his report received immediate attention. On the instructions of the local Government, issued 28th February 1866, Charsley submitted a scheme for reorganising the department. He pointed out that "while the Civil Service generally offers a varied and large field of promotion the medical department is a speciality limited in its number and with a very few prizes to which its members may hope to attain. The expense of a liberal medical education is heavy and if Government wished to obtain the voluntary services of self-educated medical men, it is reasonable that such a salary should be offered as will return a legitimate interest upon the original outlay and fair remuneration for services rendered."¹ Charsley recommended that the two existing grades of Medical Assistants be abolished. Seven years' experience had shown that no suitable men could be found to fill vacancies in the 16 appointments carrying salaries of £110 p.a. Such pay was too small for a person with any recognized diploma while it was too large for the limited professional talent found in young men educated locally at the Batticaloa School or among those who had "picked up a smattering in the profession as attaches of our larger public hospitals", men not suited for dealing with medical jurisprudence. The position was no better in the upper class of Assistants receiving £150 p.a. which had to be kept up almost entirely by the appointment of Government students. Although four natives, educated at their own expense had voluntarily entered that class, two of them had very soon given up their appointment, and but for certain prospects of promotion the two others also might also have resigned. He therefore proposed to abolish the two grades of

1. C.O.54.412.82 Robinson to Cardwell 29/4/66: Encl. Charsley's letter 14/4/66.

Medical Assistants, establishing instead two main classes, those of Colonial and Assistant Colonial Surgeons, the latter at three levels, but all at increased salaries.¹ Governor Robinson supported the proposals, and in recommending the scheme to Cardwell, the Colonial Secretary, pointed out that since earlier, partial measures had not proved sufficient, a thorough reorganisation of the department had become necessary. The Colonial Office accepted the recommendations in September, 1866 and the department was reconstituted accordingly.²

At the same time the Colonial Office laid down that the conditions under which natives had received a medical training outside Ceylon should be clarified. The Ceylon Government hitherto had allowed the students if selected a first class passage to Calcutta and a monthly sum of £3.8s.0d. during the course of study.³ Some had also been permitted to go to England for further studies after completing their Calcutta course. But there had been much flexibility in the procedure followed, and no definite conditions had been laid down governing the grant of assistance to students. In 1867 the Ceylon Government was instructed to frame such rules and was forbidden meanwhile to send any further students for training. However, as Dr. Charsley had hoped would be the case, Robinson was able to report that the need for such rules was at an end, "as the increased salaries now granted ... are sufficient to attract to the service qualified Medical Practitioners and it is no longer necessary to educate Medical Officers at the expense of the

1. C.O.54.412.82 Robinson to Cardwell 29/4/66: Encl. Charsley's letter 14/4/66.

2. C.O.55.112.62 Cardwell to Robinson 29/9/66; C.O.57.40 Sessional Paper XV of 1867.

3. C.O.54.410.63 Robinson to Cardwell 7/4/66; C.O.54.424.34 Robinson to Cardwell 8/2/67.

Colony".¹

The improvement in conditions within the Medical Department came ^{none} more too soon. Charsley, in urging reform had listed the Government duties which the medical service was required to perform, but he made no mention of the public health problem long imposed by the influx of Indian labourers coming to work on the coffee plantations. The issue was raised in 1870 when the Secretary of State criticised the state of Ceylon hospitals and drew particular attention to the high mortality rate among patients revealed by the returns of 1868. For this excessive mortality the Principal Civil Medical Officer disclaimed any departmental responsibility - which was due, he said, to "conditions and circumstances over which neither the Government nor the Medical Officers can exercise any control".² Charsley explained that the coolies of the coffee estates, and indeed the natives generally did not enter the hospitals "until the last necessity" compelled them. Again, since Ceylon had no work houses, alms houses or infirmaries, homeless and sick paupers were picked up in the streets by the Police, and these when admitted to hospitals were often at death's door. Another Medical Officer, Dr. Coghill drew particular attention to the plight of immigrant coolies on their march from the ports to the coffee plantations. "They leave their own homes ill-provided" he said, "and after a fearful trail of 200 miles without sufficient food and overcome by fatigue ... they sink down to die at the door of the Matale hospital".³

1. C.O.54.444.89 Robinson to Granville 28/9/69.

2. C.O.54.456.149 Robinson to Granville 22/6/69 and Encl.

3. C.O.54.456.49 Kimberley to Robinson 16/9/70. For steps taken regarding Coolie health prior to this period see de Silva, K.M., Social Policy and Missionary Organizations, p.233.

Kimberley, the Secretary of State, replied to the disclaim^{er} of responsibility by the Ceylon Medical Department, by urging the Ceylon Government to improve the conditions on the route taken by the coolies between Mannar and the coffee districts in the hills. "It is by the labour of these people that the colony is enriched and the expense necessary to prevent a scandalous mortality amongst the migrants" should be considered "as a part of the cost of that labour and as such devolves upon the colonial revenue".¹ It was now the Governor's turn to disclaim responsibility for the high mortality among coolies.² In February and again in November 1871 he listed in detail the position of cooly bungalows, wells and hospitals along the road, and explained that nineteen stations had been opened on the 150 miles route inland, each in charge of an overseer, with patrols to convey the sick to the hospitals built at Mannar, Anuradhapura, Dambulla and Matale. He pointed to the six cooly bungalows and pauper-hospitals, mainly serving the Tamil immigrants on the coffee estates, established at Kandy, Gampola, Kegalle, Ratnapura, Badulla and Nuwara Eliya, and further improvements that were under way. Robinson also sought to explain away the unhappy mortality rate at Matale hospital. Here he argued that though 64 of the 185 coolies admitted in 1870 had died, a case rate of 34.6 per cent, no less than 90,000 immigrants had passed its door.³ To judge the condition of this vast mass by the mere handful of desperate cases carried into the hospital was unfair.

1. C.O.54.456.49 Kimberley to Robinson 16/9/70; C.O.55.115 Granville to Robinson 26/1/69.

2. C.O.54.463.60 Robinson to Kimberley 28/2/71.

3. C.O.54.468.286. Robinson to Kimberley 26/11/71.

From defence of the way in which Government had fulfilled its responsibilities to the coolies on their way to and from the coffee plantations, Robinson then turned to an attack upon the planters. He pointed out the need for medical relief in each district besides the large central hospitals provided by Government and he submitted to the Secretary of State correspondence with the Planters Association on this matter. The Association had asked the Government to provide out-door medical relief at the Government central hospitals in the coffee districts in addition to the in-door treatment already given. The planters argued that owing to caste and other prejudices, the immigrant labourers disliked entering hospitals as patients. To this proposal Dr. Charsley and the Officers of his department had been strongly opposed.¹ They maintained that it was the planters' duty to provide for any further extension of medical services for their coolies, and they complained that it was the false economy of the planters which led to inadequate use of hospital facilities. The planters only sent patients at the very last stages of illness, because they had to pay sixpence per day for each cooly admitted to hospital.² The Government had already undertaken responsibilities which did not actually belong to it: if the planters failed to take advantage of past beneficence, Government should do no more. In this spirited stand by the Medical Department it is doubtless possible to detect an unwillingness in its members to undertake additional duties for the planters without any corresponding advantage to themselves. However Government supported them, pointing out to the planters that the central

1. C.O.54.468.286 Robinson to Kimberley 26/11/71: Encl. Charsley's letter 28/8/71.

2. The payments under this head had dwindled from £500 in 1830 to £25 to £30 a year in the 1860's and only £2.16s. in 1871.

hospitals were in part designed to provide treatment for sick labourers: "they are accordingly admitted at a low rate of charge ... which is barely sufficient to pay for their subsistence and which virtually affords them gratuitous medical treatment".¹ If the planters were unwilling even so to make good use of the hospitals, Government saw no reason to provide further services. In July 1872 Kimberley wrote to Robinson to say that his explanations had gone far to remove the earlier impression, at the Colonial Office, of inefficiency in the Ceylon Medical Department. He was evidently not convinced by all of Charsley's arguments, however, for he suggested that a system of dispensaries on the coffee estates might be established to improve the mortality rate.² Accordingly when Gregory succeeded Robinson as Governor in 1872, he re-opened the question of medical facilities on the coffee estates.

Gregory found that Dr. Charsley had already revised his original stand and had pointed out that many hospitals were as much as thirty miles from some of the estates, too far for a patient to walk for treatment. Gregory himself visited the coffee areas, and agreed that the distances between hospitals and estates were too great. In 1872, therefore, he acceded to the planters' request and sanctioned the establishment of dispensaries linked with the hospitals. But Gregory did not think that even this was adequate, and he therefore proposed a new ordinance creating a larger number of medical districts, of more manageable size. His proposal was that each district should have a dispensary, attended by a doctor, and

1. C.O.54.468.286 Robinson to Kimberley 26/11/76: Encl. Colonial Secretary to Planters Association 31/1/71; C.O.54.476.56 Gregory to Kimberley 4/5/72.

2. C.O.54.476.159 Kimberley to Gregory 24/7/72.

that the costs of this establishment should be met by a moderate contribution charged upon the coffee estates.

To such a Government scheme, the Planters Association objected.¹ The only legislation needed, they averred, was such as would "give power to the majority in any district to compel the minority to pay their share of any assessment for medical purposes". Government action, they argued, was in "direct opposition to the principles of free action that have hitherto regulated the relations between employer and employed."² Accordingly, the Ordinance of 1872 relating to the extension of medical facilities in the coffee areas provided that Government should only step in and make provision, where the district associations of planters failed to make medical arrangements approved by the Governor and his Executive Council.³ The planters were thus enabled to establish their own dispensaries, to appoint doctors and to pay them from a levy of not more than one rupee per acre upon their estates. A second medical service thus grew up in Ceylon, alongside that maintained by Government.

In the meantime, barely six years after the revision of the Government medical establishment in 1866, Governor Gregory proposed to strengthen further the Medical Department. His reorganization envisaged an increase of the establishment from 38 to 52. It also led more directly to the further recruitment of natives into the medical service than under the scheme for the coffee districts.

The grades of Second and Third Class Assistant Colonial Surgeons created in 1866 were to be abolished. In their place a new grade of

1. C.O.54.477.99 Gregory to Kimberley 9/7/72.

2. C.O.54.478.203 Gregory to Kimberley 9/10/72.

3. C.O.54.484.26 Gregory to Kimberley 31/1/73.

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Sub-Assistant Colonial Surgeons was substituted. The new Medical Establishment was to be constituted as follows: 4 Colonial Surgeons, 18 Assistant Colonial Surgeons and 30 Sub-Assistant Colonial Surgeons. The creation of the large class of Sub-Assistant Colonial Surgeons appears to have been connected with two other developments; firstly, the opening of the Medical College in 1870 and secondly the establishment of out-door dispensaries in the rural districts. "One of the chief features of the scheme is to diffuse European medical aid as extensively as possible through the Districts of the Island by means of Dispensaries to be placed in charge of Sub-Assistant Colonial Surgeons".¹ Gregory added that "it has been felt that whilst the highest class of medical Officers was concentrated in the towns, there were extensive districts, thickly populated that received no benefit from European practice" and were left to the treatment of "Vedaralas" or indigenous medical practitioners. Thus the new dispensaries were also to be a means of extending the western medical system to rural districts. However such a plan could be carried out only by the employment of a large subordinate staff who had necessarily to be recruited from natives. But as Gregory pointed out, because "the material for a large subordinate department is not yet in existence" it could only be created as the Medical School progressed. Clearly even the native medical men if educated abroad could not be attracted to these moderately paid appointments. There was another reason why native subordinates were especially suited for these posts. These Sub-Assistant Colonial Surgeons would "hereafter prove to be the most

1. C.O.54.487.248 Gregory to Kimberley 5/8/73.

useful branch of the department in opening out-door dispensaries for the benefit of the rural population, who are now the victims of native quacks ...".¹ Being themselves natives "they will be the best and most practical means of overcoming the prejudices of the native against European practice - prejudices which are fostered by native doctors in their own interests and strengthened by superstition".² It was an "endeavour to enlist into the Department natives of position and family who will exercise influence over their countrymen".³ Diploma holders of the Medical School were to be selected to the new grade of Sub-Assistants. They were to be paid Rs.900/- rising to Rs.1,600/- p.a. by increments of Rs.100/- every three years.

The reorganization held out improved prospects for those studying abroad too.⁴ The revision of 1866 had been intended mainly to attract those educated abroad into the department. At the time of that revision there was no Medical School and qualified men could be selected only from those educated abroad. Even after the establishment of the School; the department had to recruit men for the higher appointments from those so educated. Accordingly attractive terms were offered to the Colonial Surgeons and Assistant Colonial Surgeons created under the new scheme. The former were to commence on a salary of Rs.6000/- rising to Rs.8000/- p.a.

1. C.O.54.487.248 Gregory to Kimberley 5/8/73.

2. Ibid.

3. Ibid.

4. On 8th March 1873, the Examiner wrote that strikes, one of the evils of civilization had not spread to Ceylon. Thanks to the absence of ambitious demagogues working classes in Ceylon were not in a state of discontent. There was however "another direction in which a strike may break out", namely among the doctors. Government should take action to avert a strike among them. There was considerable dissatisfaction among the doctors regarding prospects. Many were leaving for other countries of Europe. The importation of cheap European medical men had been tried and found unsuccessful. Ceylonese had a remarkable aptitude for medicine. But a revision of salaries was needed to attract them to the department.

by increments of Rs.500/- every third year, while the latter were to commence on Rs.3000/- rising to Rs.5000/- p.a. by increments of Rs.500/- every fifth year. The Assistant Colonial Surgeons were to be recruited from those holding the Diploma of a Medical College in England, Scotland or Ireland or a Bachelor's degree of a Medical School in Calcutta, Bombay or Madras.¹ Within a few years thus there had been a very considerable enlargement in the number of medical posts in Ceylon, and on the part of the Government a clear desire to increase recruitment of qualified Ceylonese both at higher and lower levels.

It was therefore somewhat ironic that the Ceylon Government should have been accused in 1873 with particular severity of discrimination against natives in filling one post, that of the Principal Civil Medical Officer. Dr. Charsley the head of the Department intimating his intention to retire had recommended Dr. Roe as his successor. Roe was a Surgeon of the Ceylon Rifles Regiment which was to be disbanded. But the department itself contained a large number of qualified and competent Ceylonese who could make a claim to the post. Peter Daniel Anthoniz the leading Officer in the Department after the chief protested against the suggested appointment of Dr. Roe.² Memorializing the Secretary of State he complained that he had not even had the opportunity of submitting his claims in time as the speedy retirement of Charsley and the contemplated appointment of Roe as successor had caught him unawares when he read of them in public print. Recounting his qualifications he pointed out that he was the Senior

1. Overland Examiner 8/3/73.

2. C.O.54.486 Gregory to Kimberley, Confid. 21/6/73.

Colonial Surgeon and had thirty years' experience in the service.¹ Moreover he was acquainted with the native languages and the habits of the people. He had in fact been acting for the Principal Civil Medical Officer for 17 months. Like a number of other medical men he had been personally instrumental in extending the western system of medicine in the country. In Galle and Colombo he had established self-supporting dispensaries where the labouring classes obtained medical advice and medicine at a nominal cost. Failing to move the Government in establishing a hospital at Galle he had undertaken the task on his own responsibility, raising funds by private subscriptions and supplementing them from his own resources. He did not question Dr. Roe's qualifications or fitness for the post but felt "aggrieved that one inferior to him in length of service and local experience and unconnected with the Department" had been recommended by the Governor while his claims had been overlooked.²

..... The appointment of Roe was also opposed by the rest of the medical staff, for it had obvious implications for their own prospects.³ A memorial signed by twenty two Officers in the higher grades was submitted to the Secretary of State. They urged that in view of the great disadvantages under which members of the department laboured in comparison with other branches of the service as regards status, emoluments and promotion it would be highly unjust that they should be deprived of the only valuable prize open to them. The appointment of an outsider would exclude the next

1. C.O.54.486 Gregory to Kimberley, Confid. 2/6/73: Encl. Anthoniz's memorial to the Secretary of State.

2. Ibid.

3. C.O.54.486.188 Gregory to Kimberley 21/6/73: Encl. Memorial from twenty two Officers.

Senior Officer from a post for which he was in every respect suited and thus preclude promotion to those who followed him. It would also lower the prestige of the service in the eyes of the public as it implied a want of confidence in the Officers eligible for the post. In another memorial besides reiterating the grounds already advanced they averred that the appointment of Roe would be a reversal of the policy adopted regarding similar appointments in recent times.¹ They recalled that on the severance of the Civil and Military Establishments in 1858, Dr. Elliot had been appointed Principal Civil Medical Officer and that since then the department had been recruited by young men graduating in the United Kingdom and from distinguished graduates of the Bengal Medical College.

They asserted that at no time had its ranks been composed of more intelligent Officers than at that time and that to take away the highest appointment would deter young men of ability and professional attainments from joining it. They pointed out that it had "not once been alleged that the members, qualified by service, ability and experience for the post are in any way wanting in those scientific requirements necessary for such an appointment". Accordingly they did not know the circumstances which had led ^{the government} to lay aside the claims of Anthoniz. They urged the Secretary of State not to consider "the fact of their being born in the island as any disqualification, particularly as they can with no little degree of satisfaction foreign to their countrymen who have for many years filled high offices ..." with credit.² Birth had not been considered a disqualification in such

1. C.O.54.486.188 Gregory to Kimberley 21/6/73; Memorial from five Medical Officers.

2. Ibid.

instances. The memorialists were ready to concede that it might properly be advantageous to appoint from England an Officer of high professional status and experience who had contributed to the advancement of medical science. But that could not be secured by the appointment of Roe who was a Surgeon of a Colonial Regiment, had resided in the Colony for years and whose professional status "does not exceed that of Licentiate of King's and Queen's College", Ireland whereas in the department itself there were members of the London College of Physicians, Fellows of Royal Colleges and a large number of Doctors and Bachelors of Medicine of European Universities.

However from the very beginning the chances of Anthoniz being selected were extremely remote. Charsley was determined to secure Roe's appointment and reported unfavourably on Anthoniz's claims. He criticised the manner in which Anthoniz had performed his duties as Acting Principal Civil Medical Officer. He alleged that Anthoniz had been unpopular with his colleagues.

"Being of the same class with his own Officers he frequently perceived that they did not show him the respect which he considered to be his due".¹ The resulting dissatisfaction had led to the resignation of one Officer in disgust, at the manner in which he had been treated. Another had been removed from Colombo for being rude to Anthoniz, while a third had been reported for want of respect towards him. Thus "over-sensitiveness on the one hand and a sense of equality on the other leading to too much familiarity" had led to disputes.² "The younger members of the Department are difficult to control and I much doubt whether Dr. Anthoniz would obtain

1. C.O.54.486 Gregory to Kimberley, Confid. 2/6/73: Encl. Charsley's letter 31/5/73.

2. Ibid.

authority over them which is necessary for the maintenance of discipline, while with the Senior Officers there is too much of an equality both socially and professionally for things to ~~run~~ always smoothly."¹

The Governor himself fell in with Charsley's opinion. In a confidential despatch to Lord Kimberley he admitted that Anthoniz was an Officer of long experience and "hich character". He also acknowledged the high quality of his medical knowledge. Nevertheless he could not recommend him for he had "neither the physical nor moral strength for the **work**".² The Medical Department was one which required at its head a man of strong determination to keep it in proper discipline. Agreeing with Charsley, Gregory repeated that the discipline of the department was relaxed during Anthoniz's period as acting head. What had made the whole affair rather dubious was the fact that the contemplated resignation of Charsley and the recommendation of Roe had taken Anthoniz by surprise. Gregory's explanation of this was itself somewhat lame. The Governor explained that Anthoniz had not been given an opportunity of submitting his claims prior to recommending Roe, because he was perfectly aware of the qualifications and disqualifications of the former: "unquestionably under no circumstances could I have recommended him". It had been his policy to advance natives to stations of responsibility whenever he found that character and attainments warranted it. "I am therefore not deterred from recommending Dr. Anthoniz on the ground of his being of mixed race though unquestionably I should be slow to advance a Burgher to be head of a Department requiring energy and strength of will as undoubtedly these are not qualities of that portion of the community"

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1. C.O.54.486 Gregory to Kimberley, Confid. 2/6/73: Encl. Charsley's letter 31/5/73.
 2. C.O.54.486. Gregory to Kimberley, Confid. 2/6/73.

Gregory added that it was unadvisable to appoint as Head "a native connected with so many of his subordinates by relationships and local ties". Even if he had found Dr. Roe not qualified for the appointment he would have requested the home authorities to appoint as successor to Charsley some other member of the English Medical profession. Gregory finally went out of his way to explain why he had written a confidential despatch. He had done so, he said, "from the very high regard which I have for Dr. Anthoniz" and because he did not wish to cause pain by expressing his opinions of Anthoniz in a despatch, the contents of which would immediately transpire.¹

With Charsley and the Governor recommending Roe's appointment, and the departmental Officers urging the claims of Anthoniz, the Colonial Office was in a quandary. It was felt that the appointment of a doctor from England without appointing either Roe or Anthoniz was the best course to adopt. Accordingly Kimberley informed Gregory of the decision. The members of the medical profession were to be told that they had no just reason to complain because the highest office in the service was not reserved for them exclusively. Though the Secretary of State would give due weight to those with previous service in the island, the entire liberty should be preserved to him to appoint whoever appeared to him to possess the highest qualifications, whether or not a member of the service. Moreover the appointment of a person from outside the service would raise its efficiency and not lower it. A person unconnected with the island was accordingly to be appointed.

With the receipt of the news of this decision in the island, events

1. C.O.54.489 Gregory to Kimberley, Confid. 2/6/73.

took an unexpected turn. Dr. Charsley, whose health apparently improved, withdrew his resignation with the same suddenness with which he had tendered it.¹ Even though an anti-climax, the withdrawal should have relieved all concerned. But it did not. The Colonial Office which had been so far faced with the task of dealing with a resentful group of native medical men who were demanding more than could be granted, now had their thoughts directed towards the curious conduct of Dr. Charsley himself. Instead of being thankful for obliging with the withdrawal of the resignation they asked why he should have contemplated resignation at all. Two circumstances pointed to a most scandalous revelation, one a slip of paper and the other an unusual visitor at the Colonial Office. While Charsley was writing out his resignation, reporting adversely on Anthoniz and recommending Dr. Roe, the last named had been busy at the Colonial Office interviewing E. R. Wodehouse, the Private Secretary to the Secretary of State, and expressing his anxiety to know whether Lord Kimberley would sanction his appointment. At the same time there was in the files of the Office an incriminating slip of paper sent anonymously to Lord Kimberley stating that Dr. Roe had paid Dr. Charsley £2000 to retire. At first the officials at home did not know what weight should be attached to the "anonymous scrap". The antics of Dr. Charsley provided a clue. When the Doctor withdrew his resignation Meade wrote "But there is something queer about it. He recalls his resignation as soon as it is known in Ceylon that Dr. Roe is not to be his successor".² Wodehouse went further: "I fear it is pretty clear that there was some pecuniary arrangement between Dr. Charsley and Dr. Roe and

1. C.O.54.487.271 Gregory to Kimberley 3/9/73.

2. Ibid. Meade's Minute 8/10/73. (R. H. Meade was Assistant Under Secretary)

THAT Lord Kimberley's determination not to appoint Dr. Roe had something to do with the improvement of Dr. Charsley's health".¹ Herbert the Under-Secretary elaborated the details. "I entertain a strong suspicion (which I admit may be quite unfounded) that Dr. Charsley not only desires the purchase money to be paid by Dr. Roe, but also the appointment of a person who will not expose his maladministration. If there is no ground for the suggestion that an illicit compact has been made, we at all events know that there are those who will impute it and that it will be very awkward".² The result was Charsley's resignation being accepted.

It might have been a valid question, once Charsley's motives proved suspicious, whether his opinion on the unsuitability of Anthoniz as his successor ought not to have been reconsidered. No such reconsideration was undertaken, so that how far Anthoniz's chances of promotion were jeopardized by Charsley's adverse intervention cannot be definitely known. It is perhaps not unlikely however that even without Charsley's objections Anthoniz would have been ruled out on account of his being a Burgher. Gregory had expressed doubts on the suitability of Burghers for such posts generally, quite apart from the particular drawbacks of Anthoniz as an administrator. The issue however had underlined the fact that the authorities were wary of appointing a Ceylonese to be the head of a department where the latter were strongly represented. Dr. Kynsey was eventually appointed to the post.

An attempt appears to have been made during this period to recruit Europeans to other posts in the department also^{for} while it was the natives

1. C.O.54.487.271 Gregory to Kimberley 3/9/73. Wodehouse's Minute.

2. Ibid. Herbert's Minute 9/10/73

who needed a helping hand to secure advancement in other branches of the public service, in the case of the medical department the position was so much reversed that in 1876 the Colonial Office itself was evincing some interest in recruiting Europeans to it. Lord Carnarvon drew the attention of the local Government to the subject of appointing European Medical Officers for service in the Colony and to the nature of the prospects open to those entering the Department. Accordingly on the instruction of the Governor, Dr. Kynsey, the new head of the Department prepared a detailed memorandum on prospects of the service. Pointing out that the terms of employment were yet those introduced in 1873, he went on to elaborate the avenues of employment and sources of income open to Colonial Surgeons and Assistant Colonial Surgeons besides salary and pension.¹ Apart from serving the intended purpose the paper provides interesting information on employment opportunities and sources of income open to Officers over and above their departmental salaries and pensions.

Firstly in Colombo there were five "professorships" at the Medical School each carrying Rs.1000/- p.a. in addition to the substantive salaries received by the Medical Officers appointed to them. Secondly, extra payments were made for judicial work, inquests, post-mortems, medico-legal evidence before the Supreme and District Courts and chemical analysis. Thirdly house rent or a house at a nominal rent was provided generally, while a horse allowance and travelling allowances were paid when on duty. Last but not least in importance was the private practice which was a source of considerable income to many members of the Department; the Government

1. C.O.54.502.197 Gregory to Carnarvon 17/7/76: Encl. Kynsey's letter 24/6/76.

placed no restriction on its extent provided it did not interfere with an Officer's public duties: "in all large towns such as Colombo, Kandy, Galle and Jaffna, the Medical Officers can supplement their incomes to a considerable extent; in Colombo there is no limit to an active well-qualified man as the Europeans will not as a rule employ the Burgher or native members of the Department ...".¹ However it was impossible to accurately estimate the amount that could be made by a Medical Officer: "one man making a fortune where another makes nothing - it all depends upon the man". Since 1874 however the private practice of Colonial Surgeons had been restricted to consultation.²

On the question of more European appointments Kynsey was more cautious. He was ready to recommend the recruitment of just one European to the grade of Assistant Colonial Surgeon as it would be highly advantageous to place the several jails in Colombo under a responsible European Officer. If the addition proved successful he would be willing to recommend the appointment of others for the large towns.

The Secretary of State however appears to have contemplated recruitment of Europeans on a wider scale. Replying to a further query by the former on the subject the Principal Civil Medical Officer explained at length the difficulties in the way of employing English doctors in the island. According to the records of the Department, Medical Officers recruited in England had with one exception all left the service for

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1. C.O.54.502.197 Gregory to Carnarvon 17/7/76: Encl. Kynsey's Memo of 29/5/76.
 2. Ibid. Apparently since there were few Europeans in the Civil Medical Department such private practice was largely in the hands of Army Surgeons.

various reasons after short periods, "leading me almost to the conclusion that the reinforcing of the Department by men from England is attended with no satisfactory results and that the Department will have to be recruited from time to time by natives ... educated in the Indian Colleges or Great Britain who appear to be better adapted for the wants of the people".¹ A list of Medical Officers appointed by the Secretary of State, since 1844 showed that only one^{of} them, Dr. Charsley, the late Head of the Department had remained in the service for any length of time. Another appointed in 1867 was still in service. Of three others subsequently appointed, one Dr. Coghill had left to better his circumstances, while the two others were forced to retire "owing to habits of unsteadiness". On account of the pressing wants of the department he asked that two officers be sent out from England. He repeated as in the earlier instance that if they proved successful he would apply for more. But Kynsey was evidently pessimistic. The salary of Rs.3000/- p.a. of an Assistant Colonial Surgeon "though in England^{it} might be a much coveted remuneration will be found in Ceylon inadequate for the wants of a European and hence disappointment may follow ... in view of the expectations that were formed previous to leaving England".² Kynsey also considered that a knowledge of the vernacular languages will be of great practical importance to Medical Officers to render them useful to natives and proposed that those recruited pass an examination in Sinhalese or Tamil, twelve or eighteen months after arrival. This of course would have rendered service in the island still less attractive to Europeans.

The pessimism of the local departmental head regarding recruits from

1. C.O.54.507.24 Birch to Carnarvon 24/5/77: Encl. Kynsey's letter 1/5/77.

2. Ibid.

England was considered in a different light at the Colonial Office. It was construed as an openly expressed distrust of the Secretary of State's nominees. Of course Kynsey was "right that a son of a native who has had a proper education is a more suitable man for this sort of work than a young European" wrote Round.¹ But it was clear from Kynsey's own admission that such men were not forthcoming. The Colonial Office began to view the matter as a question of patronage. There had been some suspicion that there was "a little local jobbing in filling up these and other appointments".² After the Charsley affair this was not surprising. Unlike for instance in the Civil Service there was no regular mode of recruitment for the Medical Department. The appointees themselves being generally natives the local authorities usually had their way regarding selections, leaving little discretion in the hands of the Colonial Office, save that of sanctioning them. Now it decided to reassert its position.

The "practice of the local Government regarding vacancies had apparently been to report the vacancy only when some suitable candidate had just completed his education at home and applied for appointment ...".³ There had been several such appointments during the last few years. Accordingly it was felt that the Colonial Office should insist on every vacancy being properly reported at once with any recommendations as to filling it the Governor thinks fit to add.⁴ Accordingly Lord Carnarvon while conceding Kynsey's position regarding the relative suitability of Europeans and natives reminded the local Government that none the less "the responsibility

1. C.O.54.507.24 Birch to Carnarvon 24/5/77: Minute of F. R. Round 10/8/77. Round was Clerk at the Colonial Office.

2. C.O.54.507.24 Birch to Carnarvon 24/5/77: Minute of F. R. Round 10/8/77.

3. Ibid.

4. Ibid.

for selecting the most efficient man for the service of this as of other Departments must rest with the Secretary of State".¹ Thus, the Governor was told that every vacancy should be reported at once on its occurrence. He would always consider any recommendations of the local Government or in their absence fill the posts from home.

The new procedure was soon put to the test with the occurrence of two vacancies. They were duly reported, but the Governor was able to recommend two natives Schockman and Livera to the posts. Longden reiterated that experience had shown that in Ceylon natives when qualified generally gave satisfaction. The two doctors whose death had caused the vacancies were themselves highly esteemed.¹ "Natives practising as medical men necessarily have an incalculable advantage over Europeans in being able to converse familiarly with their Sinhalese patients".² They would be less affected by climatic conditions. Besides few men of position would sacrifice the chance of a successful career in England to accept an appointment in Ceylon said Longden, as if dissuading the Secretary of State from selecting Europeans for the post. At the Colonial Office it was conceded that natives had an advantage over Europeans in being able to converse freely with the patients encouraging "natives to seek assistance in hospitals" rather than that of native quacks. But none the less it was felt that "a certain infusion of Europeans is desirable. Round seems to have insisted on this as before, partly because he disapproved of vacancies remaining unfilled till qualified

1. C.O.54.507.180 Carnarvon to Birch 24/7/77.

2. One of them Dr. Koch had in fact been recommended by Longden to be the Principal of the Medical College.

3. C.O.54.509.105 Longden to Carnarvon 31/12/77; Shockman was a Bachelor of Medicine and a Master of Surgery (Aberdeen) C.O.54.509.81 Longden to Carnarvon 7/12/77.

natives were available. He noted that even after filling the two vacancies yet another remained. To this obviously an European could be appointed he declared.

One argument in urging the recruitment of Europeans was ~~that~~ that the supply of qualified natives was not equal to the requirements. But this was a temporary feature. During 1877 and 1878 at least three doctors holding senior posts had died.¹ But such contingencies did not always occur. On the other hand the more lasting problem, which soon arose, was that of absorbing natives who qualified at a moment when no vacancies were available. Thus within months of the above three vacancies, Richard and Stephen Janzz and Swan were applying for appointments in the department. The problem now created was not that of unfilled vacancies but their absence. The Secretary of State agreed with the Governor on the need for encouraging these natives who had graduated in England to return to Ceylon immediately after taking their degrees for employment in the department. The Head of the Medical Department also warmly approved of the idea. But there were no vacancies. He therefore proposed in 1878 the creation of a new class of six Acting Assistant Colonial Surgeons. Those who had completed their studies in England, after satisfying the Secretary of State as to their suitability were to receive, under the scheme, free passage to Ceylon. On arrival they were to be attached provisionally to the Department on the moderate salary of Rs.1500/- p.a. until they could be promoted as Assistant Colonial Surgeons when vacancies occurred. The object of course was to keep the men somehow attached to the department till they could be given more appropriate posts

1. Besides Koch, Evart and Krikenburg also died. The last was the Superintendent of the Lunatic Asylum (C.O.54.513.107 Longden to Hicks Beach 12/4/78).

subsequently. Dr. Kynsey considered that the plan would be "looked upon as a great boon by the young men of the island, whose parents have gone to considerable expense with the sole object of getting them employment in the ... colony".¹ He wanted the new posts to be conferred on natives. But he need hardly have said so. For as Kynsey himself observed "it would only lead to bitter discontent if Europeans were sent out on these terms, for even on a salary of Rs.3000/- p.a. ... a young Englishman would find it impossible to live".² The new grade carried only Rs.1500/- p.a.

There were two points on which the Colonial Office had misgivings though agreeing to the scheme in general. It would induce natives to enter the Medical service. Indeed it might probably lead to more natives coming to England for their medical education. Thus it might happen that "when the class (of Acting Assistant Colonial Surgeons) ... is full we shall probably have many applicants for return passages etc. putting pressure on us to do away with the limit of number ...".³ Hicks Beach, the Secretary of State, was also wary about creating the new class of Acting Assistant Colonial Surgeons with implied prospects of automatic promotion to the grade of Assistant Colonial Surgeon. There was already a class of Sub-Assistant Colonial Surgeons carrying a salary of Rs.900/- p.a. He suggested that natives qualified in Europe should be appointed to that class, but on a minimum salary of Rs.1500/- p.a. Hicks Beach explicitly stated that those to be appointed as Sub-Assistant Colonial Surgeons as suggested by him

1. C.O.54.515.425 Longden to Hicks Beach 18/12/78: Encl. Kynsey's letter of 4/12/78.

2. Ibid.

3. Ibid. Lucas Minute 22/1/79. Lucas was Clerk at the Colonial Office.

"should have no recognized right to promotion and that though on the occurrence of each vacancy (in the higher grades) their claims will be fully considered, the Secretary of State will ... reserve ... the right of considering whether or not it is advisable to introduce medical men of European origin and practice".¹ Evidently the Secretary of State^{was} still anxious to avoid the higher grade of Assistant Colonial Surgeon being automatically swamped by the British qualified natives for it was to this grade that Europeans could be appointed, carrying as it did Rs.3000/- p.a., the minimum that was likely to attract an European. The Governor did not object to the^{plan of the} Secretary of State but was unwilling to see the British qualified natives lumped with Licentiates of the Ceylon Medical School as Sub-Assistants since Licentiates of the Medical School were not eligible for promotion as Assistant Colonial Surgeons. But the Secretary of State was particular in avoiding the designation, Assistant Colonial Surgeon, which was "misleading" as implying prospective promotion. Thus it was eventually decided to call these English qualified men Deputy Assistant Colonial Surgeons. This would adequately distinguish them from the locally qualified Sub-Assistant Colonial Surgeons while removing the objectionable implication of promotion as Assistant Colonial Surgeons. The eventual outcome fell short of the original purpose of Kynsey which was to provisionally absorb into the department English qualified natives on a lower scale of salary, but with a view to definite promotion as Assistant Colonial Surgeons when vacancies arose.²

The way was thus left open for more Europeans to be appointed to the

1. C.O.54.515.39 Longden to Hicks Beach 11/2/79.

2. The scheme as accepted by denying to Deputy Assistants certain prospects of promotion, involved a danger that the new grade might prove a cul-de-sac. The Examiner expressed a lively fear that those appointed to the grade would have to toil as supernumeraries for years "and just as a vacancy is rumoured ... the news will arrive that some European young man ... has been appointed" over their heads. It denounced the Government for tamely submitting to the Secretary of State on the matter (Overland Examiner 3/6/79; 17/6/79).

Ceylon Medical Service by the Colonial Office, in theory at least. Nevertheless the fact that within so few years of the creation of the grade of Ceylonese Sub-Assistant Colonial Surgeons yet a new category of Deputy Assistant had to be created to absorb those natives passing out from England is proof of the rapid expansion of the Ceylonese share in the island's Medical Department.

While Government had been enlarging the opportunities and prospects for natives in the Civil Medical Department, events were also conspiring to create further openings for Ceylonese doctors on the coffee estates. It will be recalled that in 1872 a new scheme had been introduced to bring the medical services closer to the estates in an effort to check very heavy mortality among the coolies. On 23rd December, 1876, however, the Secretary of State had again to draw attention to an enormous hospital mortality in the coffee areas. Kynsey, the Principal Civil Medical Officer, could only admit that the reforms of 1872 had not proved effective, and repeat the explanation earlier offered. "I believe the Planters are a most humane body of men" he wrote "willing at all times to afford assistance to those in distress, but I am of opinion that steps should be taken to treat sick coolies on Estates or in District Hospitals immediately on the first attack of disease and that no labourers should be moved when in a advanced stage of illness much less in a moribund stage in which condition Employers frequently send their coolies to our Hospitals".¹ It was belated admissions, whether caused by negligence in the planter or prejudice in the cooly, which swelled the mortality figures and Kynsey refused to accept the blame for

1. C.O.54.508.33 Birch to Carnarvon 1/6/77: Encl. Kynsey's letter to Colonial Secretary 4/5/77.

such figures. He did point out one new aggravating factor, however, an abnormal inflow of immigrants from India, especially in 1877, because of famine conditions in South India. It was this which had pushed up the mortality rate from ten percent in 1876 to sixteen percent in 1877, for starvation "had undermined the general health of the immigrants".¹ Birch, the Acting Governor also referred to the "excessive unflux of labour" commenting that he could not yet give even a rough estimate of the number of immigrants for whom Government might have to provide during the year, since that would depend upon the distress prevailing upon the coast and the effectiveness of the Indian Government's measures.² It was estimated however that there were already 60,000 to 70,000 coolies on the estates in excess of the usual strength, and arrivals were reported in unprecedented numbers. Moreover, unlike in other years, the coolies did not intend to return to India. Even under these circumstances the Chamber of Commerce had opposed any closure of the ports "being actuated by an apprehension lest the stream of immigration ... might be permanently checked if it were in any way impeded and by the consideration that distress in India afforded an opportunity of importing a large supply of cheap labour ...".³ All that Government had done therefore was to set up quarantine posts to safeguard the resident population against cholera brought in by the coolies and to send an Officer to confer with the Madras authorities and explain the position of the labour market in Ceylon.

It was this refusal, under planter pressure, to prevent a flood of

1. C.O.54.513.126 Longden to Hicks Beach 27/4/78.

2. C.O.54.507.78 Birch to Carnarvon 15/3/77.

3. Ibid.

immigrants from the South Indian famine areas to which Dr. Kynsey could point as explanation for the mortality figures of 1877. But he stuck to his opinion that the main reason for high mortality in normal years was belated admission of patients. He reiterated, "Disease in coffee estate coolies can only be detected by frequent and careful examination by men familiar with their language, habits and customs and it is only by such a system that the excessive mortality rate ... can be reduced. It follows therefore that I consider the present management by which medical aid is supposed to be afforded to Malabar coolies defective and stands in urgent need of reformation".¹ That reformation could only come, he stated, "by appointing native practitioners in charge of a certain number of cultivated acres under the direct supervision of District Surgeons ...".²

With this diagnosis Birch agreed. In submitting Kynsey's report to Carnarvon he stressed that the root of the problem lay in the coolies' insuperable objection to going to a distant hospital and that a solution could only be found in having the estates visited by native doctors who could treat cases on the spot. In the past it had been very difficult to find suitable and competent men and an attempt to recruit them from India had failed signally. But he could now report a promising solution in the development of "our local Medical School which has already largely increased and is turning out excellent native practitioners who are peculiarly adapted to the duty of inspecting cooly lines and treating the cases on the spot".³

In 1878, after Longden took office as Governor, the issues raised by

1. C.O.54.508.33 Birch to Carnarvon 1/6/77: Encl. Kynsey's letter 4/5/77.

2. Ibid.

3. C.O.54.508.33 Birch to Carnarvon 1/6/77.

Carnarvon and discussed by Birch were submitted to a Committee appointed on 30th April to enquire into the whole working of the estate medical arrangements. The Committee consisted of two Civil Servants, the Chairman of the Planters' Association and one other European member, and the chief problem placed before them by Longden was "whether the medical care of the coolies should be taken entire charge of by the Government as a public service or whether according to the principle on which the Ordinance of 1872 is founded such medical care should continue to be recognized as the duty of the employers and carried into effect by local committees, the action of the Government being restricted to the enforcement of the performance of that duty".¹ The Committee examined a large number of witnesses, conducted a comprehensive inquiry and submitted a report. This report was forwarded by Longden, with comments of his own to the Secretary of State, Hicks Beach in September 1879. The Report attributed the unsatisfactory working of the Ordinance to five main reasons. Firstly, it had been introduced too soon. Neither the Medical Assistants and Dispensers, nor the machinery necessary to work the scheme had been available. Secondly the enormous influx of immigrants in 1877 had imposed a heavy strain upon the system, at a time when even under normal conditions the machinery was inadequate. Thirdly, and this the Committee thought was the main cause of failure, the intention of the Ordinance of 1872 had been misunderstood. It had been introduced to supplement and aid the planters' voluntary system then in vogue, and not to replace it. Unfortunately the District Committees in the coffee estates who had been entrusted with the care of the coolies under the Ordinance had been "from the first imbued

1. C.O.54.521.356 Longden to Hicks Beach 10/9/79.

with the notion that they were to be relieved of responsibility by it, provided they complied with its requirements. The consequence has been that they have not given that attention to their coolies in the early stages of disease which they bestowed before and the coolies have necessarily suffered".¹

Fourthly, the Committee stressed the objection of the coolies to entering hospitals. Knowing that they would not be treated in the lines as before, but in hospitals they concealed their illnesses until past healing. Lastly the Committee referred to the bad grouping of estates which made the provision of medical facilities difficult.

Longden differed from the Committee in his ^{views} upon the causes of past failure. He gave more weight to the inadequate preparation for the 1872 plan, pointing out that the District Surgeons who were to be the Chief Medical Officers had had to be obtained from England, and that in consequence they had been new to the work, the native languages, the diseases and the climate. "Moreover" he wrote "the District Surgeons were at first without the adequate assistance which can be rendered, and is rendered by Tamil natives trained in the Medical School, who though not educated upto the standard required for the Diploma ... of the College of Surgeons in England are educated up to a point which makes them ... most useful to an European Surgeon, for with their slender medical knowledge, they possess the advantage invaluable in a medical point of view of being able to converse familiarly with the patients in his own language".² On the other hand with a fine reliance on the virtues of private enterprise, he refused to believe that the planters could have willfully neglected their coolies. The absence of a sense of responsibility

1. Sessional Paper V, 1878, p.XI.

2. C.O.54.521.356 Longden to Hicks Beach 10/9/79.

among planters could not have been widespread, he thought, for the superintendents of estates would have been obliged to look after the coolies through self-interest.

Despite their criticisms of the working of the existing system, the Committee proved unwilling to alter its basic characteristics. Among the memoranda received by them during the course of their enquiries had been several submitted by members of the Medical Service which urged that Government should take over responsibility for medical services in the coffee estate areas. Coghill, the Inspector of coffee estates and Kynsey, the Principal Civil Medical Officer both pressed vigorously for such a step and Kynsey produced a most detailed scheme, together with a note of its financial implications.¹ This scheme and other suggestions of like nature the Committee rejected. They proposed instead to give the voluntary scheme a further trial strengthening it by a more convenient grouping of estates, the appointment of Government hospital inspectors and the creation of a central board to resolve conflicts between the committees and their medical Officers, but leaving its main structure intact. Only if the amended system failed should Government intervene. Longden was at one with the Committee in opposing any Government assumption of control such as Kynsey had so warmly advocated. Longden pointed out that Kynsey's comprehensive plans would involve an expenditure of a million and a half rupees, plus the cost of fitting up the hospitals - and judging by the cost of existing hospitals even these estimates might prove

1. According to that scheme coffee districts were to be divided into 20 divisions of 1500 acres each. Each division was to be in charge of a District Surgeon with a Central Hospital of 100 beds. Each division was to consist of a number of groups of estates, each group being attended to by a Medical Assistant. The Districts were to be classified into first, second and third classes to be respectively in charge of a fully qualified medical man, a Licentiate of the Ceylon Medical College, and a medical practitioner. The grouping of estates, the staff and medical arrangements required, the duties of estate superintendants and Medical Officers were also set forth in detail. (See Sessional Paper V of 1878 p.X).

too low. On the other hand, the existing system of District hospitals could be improved quite cheaply to ensure that there was one Medical Officer and one efficient hospital in each of the twenty two districts.

He did not think that the centralized scheme proposed by Kynsey was preferable to the existing local administration. The estates, thirteen hundred in all, were dispersed over a wide area and separated into groups by the forests and ranges of the hill country, and control by elected medical committees from the twenty two district groups was more satisfactory. The Governor also made the point that there was no need to introduce a Government scheme to safeguard the independence of the doctors. In Ceylon they were not paid by individual planters, as they were in the West Indies, and their independence under the district committee system was not threatened. Though initially the planters had opposed the system subsequently they had "cheerfully" undertaken their duties under the Ordinance. Longden also pointed out that while the current assessment upon the coffee estates for medical purposes was Rs.239,575/- Kynsey's scheme would require an additional Rs.447,425/- p.a. besides some capital expenditure. This would necessitate increasing the rate of assessment paid by the planters from one to three rupees per acre. With the crops diminishing owing to coffee disease and with the drop in world prices, it would be most impolitic to treble the taxation. "I do not think" he concluded "that the transference of the management of hospitals from the hands of a vigorous local committee, watchful of their own interests to guard against wasteful extravagance, to the hands of Government would be economical".¹ Accordingly with certain modifications Longden desired the

1. C.O.54.521.356 Longden to Hicks Beach 10/9/79.

existing system to be continued. Hicks Beach, the Secretary of State while agreeing with these views, however, insisted that it should be clearly understood that the arrangement was to be on trial and that "in the event of its failing to secure the proper treatment of coolies the planters must be prepared to bear the additional cost ... involved by transferring to the Government the medical charge" of their labourers.¹

Both Birch and Longden had wished to see an extension of medical services in the coffee districts and had attached considerable importance to the further use of Ceylonese Medical Assistants, trained at Colombo. The acceptance by the Secretary of State of Longden's proposals in 1879 might have been expected therefore to produce an extension of the employment of Ceylonese doctors. Unhappily the whole issue of reform was beclouded for the next three years by a prolonged conflict between the Government and the planters over the financing of the medical service in the coffee districts. The scheme proposed by Longden was designed, while retaining the voluntary system of local management, to ensure that there was an efficient doctor and hospital in each district. But this was opposed by a large and influential section of the planters who wished to throw the whole working of the scheme into the hands of the Government. Longden did not desire this, but did not think Government could refuse to take charge if pressed to do so by the planters. But, as Longden reported to the Secretary of State, ~~that~~ "the opposition of the Planters' Association ... went beyond any details and attacked the first principle on which the bill is founded, namely the liability of the planters to find medical aid at all for their labourers".² They contemplated

1. C.O.54.521.383 Hicks Beach to Longden 16/12/79.

2. C.O.54.529.287 Longden to Kimberley 30/12/80.

amendments which, instead of making the scheme, one for providing the medical wants for the coffee districts, would have rendered it a means of extending the Civil Medical Department. They proposed to repudiate the obligations hitherto acknowledged by them and demanded that "the cost of providing for the medical care of the labourers should be defrayed by an addition to the Import Duty on rice, the food of the people".¹

This attempt to shuffle out of responsibility for their coolies' health, which the contract law of the island in any case imposed upon them, by throwing that responsibility upon the Civil Medical Department, Longden firmly rejected.² Instead he enacted Ordinance 17 of 1880 by which Government undertook the medical care of the immigrant coolies on Coffee, Tea, Cinchona and other estates but defrayed the costs of the scheme from an export duty of twenty cents per hundred weight upon coffee. This export duty was violently opposed by the planting community, as though it had been an additional tax instead of an alternative to the old acreage levy. Longden pointed out that in 1879 the planters' representative in the Legislative Council had himself proposed such an export duty, and the Governor stoutly continued to insist that the duty was no more than an item in the cost of coffee production, which the planters should bear, even though defrayed in the first instance by the Government. As he declared to Kimberley it was proper to attribute the planters' opposition "rather to a desire to shake

1. C.O.54.529.287 Longden to Kimberley 30/12/80.

2. By the Ordinance of 1865, relating to servants, labourers, journeymen and artificers under contract for hire, the obligation to provide medical care for their labourers at their own expense was imposed upon planters by the very law under which alone they could enforce their labour contracts (C.O.54.529.287 Longden to Kimberley 30/12/80).

off the burden altogether and saddle it upon others than to any objection ... to the form of the tax".¹

The Planters' Association replied, in February 1881, by memorialising the Secretary of State.² They maintained that between 1843 and 1880 some 2,700,000 coolies had come to Ceylon. Those that were employed on the plantations had been well cared for, the planters themselves treating ordinary ailments and only using Government hospitals for serious cases. But now even Sinhalese of the better class were employing immigrant labour. It was inequitable then to tax the hill plantations alone when all benefited directly or indirectly from foreign labour and while in the low country the Medical Department's activities had been extended at the expense of the general revenues. Kimberley rejected these arguments. It was "clearly the duty of the employer to provide for the medical care of the immigrants employed by him", and to throw the cost of providing hospitals for the isolated plantations upon the community at large would be a great injustice.³ He did agree that the export duty was objectionable, but he could only propose to revert to Longden's original proposal for assessing estates on the basis of the number of coolies on each plantation. This change was accordingly introduced by Ordinance 18 of 1881.⁴

To this Ordinance too the representatives of the Planters' Association and the Chamber of Commerce vigorously protested in the Legislative Council, objecting to any special taxation of industry, and by a memorial to the

1. C.O.54.529.287 Longden to Kimberley 30/12/80.

2. C.O.54.532.12 Douglas to Kimberley 5/3/81: Encl. Planters' Association's Memorial of February 1881.

3. C.O.54.532.125 Kimberley to Douglas 2/4/81.

4. C.O.54.529.89 Kimberley to Longden 18/3/81; C.O.54.537.51 Longden to Kimberley 5/2/82.

Queen.¹ In this they particularly challenged the statement of Kimberley that the coffee districts were isolated from the main centres of population: the hills had been rendered easy ~~of~~ access by both road and rail; there were now large villages with bazaars, shops and stores established by Sinhalese, Moormen and others, all of whom were entitled to the benefits of the Civil Medical Department. Under this continued assault Longden faltered. To Kimberley he wrote, "no system whatever will be successful that has not the support and goodwill of the Planters".² He made a faint-hearted reference to the coffee industry's losses from disease, and the infant nature of tea and cinchona planting, and stated his belief that the capitation tax could not be collected without a "deplorable degree of friction". Accordingly he suggested that while the cost of maintenance of coolies admitted to certain Civil hospitals and to the District hospitals should be charged to the estates, the costs of the equipment and staff of these hospitals should be borne from the public revenues. In April 1882 Kimberley refused to accept the suggestion that the salaries of the Medical Officers appointed to the coffee districts should be borne by the general community though he did allow the capital costs of the hospitals to be so charged.³ A month later, however, the Secretary of State weakened on this point, too, to the extent of allowing half the cost of the medical staff to be borne for one year by the general revenues in view of the recent depression in the coffee industry.⁴

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1. C.O.54.537.51 Longden to Kimberley 5/2/82: Encl. Protest of Shand and Mitchell; C.O.54.537.78 Longden to Kimberley 20/2/82: Encl. Memorial of Planters and Merchants to the Queen; See also C.O.54.538.177 Longden to Kimberley 27/3/82: Encl. Wall's letter to Kimberley 25/4/82.
 2. C.O.54.537.78 Longden to Kimberley 20/2/82.
 3. C.O.54.537.137 Kimberley to Longden 20/4/82.
 4. C.O.54.539.174 Kimberley to Longden 22/5/82.

Even this was not the end of the measure, however, for the capitation tax had to be abandoned because the planters refused to co-operate. In the Central Province only 746 estates out of 1471 sent in the necessary returns of labour employed. Consequently Ordinance 9 of 1882 had to be passed, by which the export duty on coffee was re-introduced.¹

The long conflict about responsibility for medical care in the coffee districts had distracted attention from the question of how the various schemes were to be staffed. It is notable, however, that when that question was raised stress was regularly laid upon the advantages of employing qualified Ceylonese Medical Practitioners. One of the questions addressed to the Medical Committee of 1878 was "What is your opinion of the Native Medical Assistants? Would you recommend a large staff of this class being employed?" The answers showed that under the old Ordinance of 1872 some curious specimens had been employed under the designation of Medical Assistants.

Dr. Anthóniz in his evidence pointed out that the class of men who were being employed were certainly not what they ought to be. Many were incompetent.

"Some of them are overseers dismissed from the Civil Medical Hospitals".²

Another witness said that he had no language strong enough to condemn "the habit of employing dismissed horse-keepers or servants as native Medical Assistants".³ However, while the employment of such types revealed the

1. C.O.54.537.51 Longden to Kimberley 5/2/82; C.O.54.539.244 Longden to Kimberley 3/6/82 and Minutes; C.O.54.539.243 Kimberley to Longden 14/7/82. Geo.M.O'Brien of the Colonial Secretary's Office, writing privately to Lucas of the Colonial Office said "I hope if the matter comes before you that you will do what you can towards knocking the capitation assessment ... on the head. It will give endless trouble and will not work ...". (C.O.54.539.231 Longden to Kimberley 25/5/82).

2. Sessional Paper V, 1878. p.36.

3. Ibid. p.150.

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inadequacies of the existing system of estate medical care there was already evidence of better men, often recruits of the Ceylon Medical School coming forward. Dr. Coghill the Inspector of coffee districts, held that where native Assistants were properly qualified, like the Licentiates of the Medical School, he was confident that they would be efficient. Some Licentiates were employed at Rangalla, Dumbara and Madulsima with success.¹ They were paid salaries of between £200 and £250 p.a. in the coffee districts whereas under Government they would have received from £70 to £100 p.a.

One great advantage of employing native Assistants was their familiarity with the coolies and their language. According to one European witness's evidence "Where a native Medical Officer goes they (the coolies) flock to consult him, whereas an European would be shunned were he to visit their lines".² Dr. Kandiah a Licentiate of the Medical School and a Tamil, himself employed in the coffee districts, thought that the Medical Assistants should be natives. To the question whether the prejudices of the coolies towards entering hospitals was being overcome he replied: "It is being overcome in Dumbara. They have a native Medical Officer in me. I can converse and reason with them in their own language. They like me very much. I have explained to them the falsity of the idea that coolies are famished by being sent to hospitals and shown that it was for their good. They now come to me when necessary".³ The difficulty was to get the right class with proper qualifications, but Dr. Coghill held that the Government could in time provide any number of Medical Assistants from the School. He had asked the

1. Sessional Paper V, 1878. p.2.

2. Ibid. p.54.

3. Ibid. p.109.

authorities of the Medical School some time ago for thirty or forty Tamils trained for coffee estates work and the School had admitted twenty additional students with a special view to meet the case. Recently ten had passed from the School and not being bound to Government employment they had been quite willing to engage on estate work.¹ Thus the suitability of native Medical Assistants for employment in the coffee districts was being increasingly recognized and this in turn emphasised the need for **further** improvedment of the Ceylon Medical School.

The Ordinance of 1880 provided for the grouping of estates into districts each of which was to have a District Medical Officer on a salary of Rs.4000/- rising to Rs.5000/- p.a., aided by Medical Assistants on a salary of Rs.1000/- rising to Rs.1500 p.a. Longden informed the Secretary of State, "It is contemplated to appoint as such Assistants, native Tamils, educated at the Ceylon Medical School who have received the certificate of the School, speaking Tamil as their native language and acquainted with the habits and manners of the Tamil labourers, the Assistants will ... prove the most valuable part of the new system. Through them we may expect to acquire the confidence of the natives in the European modes of treatment without which all provisions for their medical relief will be comparatively unsuccessful".² The employment of native Assistants assumed an even greater relevance in 1882 when Longden proposed that the cost of district staff should be met from the general revenues "... one of the heaviest expenses connected with the medical aid of the coolies under the Ordinance of 1872, has been the charge of

1. Sessional Paper V, 1878. p.38.

2. C.O.54.529.287 Longden to Kimberley 30/12/80.

salaries of the District Medical Officers, twenty two in number all English medical men".¹ He added "It is manifest therefore that a large saving may be effected by reducing the number of highly paid (European) Medical Officers and employing in their place native medical Assistants who can be trusted to attend to all ordinary cases".²

One other point in favour of the employment of Ceylonese doctors, not touched upon by the Governor, but which had been forcibly expressed by Dr. Coghill was that the European doctors were engaged in private practice. In 1878, Coghill had bluntly declared to the Medical Committee that "the great objectors to the native Medical Officers are those who desire to have the advantages of European doctors for themselves and their families".³ He followed this up in 1879 in one of his reports, with the positive suggestion that the private practice of District Surgeons and their medical attendance upon the superintendents of the estates should be abolished. No small amount of the unpopularity of the Ordinance and its want of success had arisen he declared from differences between superintendents and District Surgeons over private practice. The coolies were neglected and the legitimate object of the Ordinance "diverted into a totally illegitimate channel, the medical care ... of the European residents". It was a case of "two for the planter and one for the cooly". More than half the total cost of the assessment was absorbed by the salaries of the European Medical Officers "leaving alone the cost of the excellent bungalows provided for them, contrasting strangely with the pest houses" for the coolies.⁴ He commented that he did not object to

1. C.O.54.537.78 Longden to Kimberley 20/2/82.

2. Ibid.

3. Sessional Paper V, 1878. p.2.

4. Administrative Reports 1879. p.541.

European residents having the benefit of European medical skill but he did object to their not paying for it, saddling the funds with the cost of free medical attendance upon them and then crying out that the scheme was a farce. The result of this misuse of the scheme was that there were "no funds available for native Medical Assistants in sufficient numbers". He quoted the words of a Chairman of the Planters' Association itself to the effect that the assessment was expended in offering a premium to medical men to settle in private practice. Kynsey also made some criticism more obliquely in 1882 when he wrote that one of the causes of the high mortality rate among the labourers was the "unsatisfactory working of the Medical Wants Ordinance by a staff of Officers unacquainted with the languages, customs and diseases of the Indian labourers but admirably qualified for private practice among Europeans and their families".¹ He added "I am hopeful however that the new Medical Wants Ordinance ... will be the means of reducing the excessive mortality ... by bringing medical advice within a reasonable distance of the estates ... ensuring the early treatment of the Indian labourer by Medical men specially trained in the Ceylon Medical College who are familiar with their language, customs ... and disease".²

On 1st January 1883 there were in the coffee districts fifteen District Medical Officers, all except one of whom were Ceylonese - Burghers, Sinhalese or Tamil.³ Ten of these were Licentiates of the Ceylon Medical

1. C.O.54.541.396 Longden to Kimberley 15/9/82: Encl. Kynsey's letter 12/9/82.

2. Ibid.

3. C.O.54.545.2 Longden to Kimberley 1/1/83.

School and the others had obtained English qualifications. There were besides eleven Medical Assistants, all of whom were Ceylonese, six being Licentiates of the Medical School. It should be noted that none of the District Medical Officers were also members of the Civil Medical Department, Assistant or Sub-Assistant Colonial Surgeons, who combined their two posts, merely receiving an additional allowance as District Medical Officers. The estate medical service and the Civil Medical Department were thus well on the way to being amalgamated - and in both the Ceylonese doctor was the dominant figure.

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CONCLUSION.

Writers on the history and politics of Ceylon frequently refer to the rise of the English educated Ceylonese as an important outcome of British rule in Ceylon. In this study an attempt has been made closely to examine their position and role in the official life of the island, during a period of eighteen years when the expansion of the public services was leading to a rapid increase in the number of Ceylonese employed in them. A study of the position and role of the English educated Ceylonese in the political, social and cultural spheres might well be undertaken with profit.

But in our view any such study must be preceded by a close examination of their place in official life. Firstly, it was official employment which acted as the single most important factor in calling this community into existence. Moreover, of the English educated natives, those occupying official positions constituted perhaps the most important section, for under the British officials, they constituted the subordinate segment of the ruling hierarchy in the island.

One feature which emerged from the beginning of our study was the somewhat indirect nature of the material. Although the native officials occupied an important place in the administration, questions concerning them appear to have occupied

the direct attention of the authorities very rarely.

For instance, but for the few despatches pertaining to the ~~sa~~ salaries of clerks there is hardly any correspondence which directly deals with the different categories of these native officials. It is significant--and also disappointing--that there is not a single despatch which deals with the Headmen as a body, though they occupied a vital position in the public service. It is only in the course of discussing an administrative measure like the Village Tribunals, that light is thrown on the Governments attitude towards them. Similarly it is in the course of the discussions on the medical facilities in coffee districts that the importance of native medical men comes to be touched upon. Again without looking closely into the entire administration of the Public Works Department one is apt to overlook even the existence of such a figure as the "Jaffna Overseer", and so to ignore his vital role in the department. Thus the apparent theme of a document may be extremely misleading as to its value for a study of our subject. Nevertheless it is by looking closely at these very official records that one must extricate the material having a bearing on the subject from the general mass.

In this study the English educated Ceylonese have been examined under headings such as the Clerical Service, the Headmen and the different technical departments. Such a division has been dictated not merely by convenience or in conformity with the formal divisions of the various branches of the public service. The position of the natives in the different branches do present sometimes very remarkable differences. The native employed in the Survey Department differs from the man in the Medical Department, not merely in that they belong to two different departments, or in the fact that the nature of the work performed by the two are different: the natives dominated the Medical Department and occupied almost every important position in it except that of its Head, while in the Survey Department the position was entirely reversed. Similarly the phenomenon presented by the native overseer marks out the Public Works Department from the Survey Department itself, though these two departments were naturally closely allied to each other. In dealing with the natives in the Railway Department we find the singular fact that here alone not one of them was entitled to pension — and furthermore, the reasons for this departure from the general pattern are themselves unique to that department. The necessity for treating the Clerks and the Headmen separately is perhaps too evident to need special mention. Again in the police service

there is the special emphasis on the need for a mixed force --mixed both in regard to race as well as religion--such as is found in no other section of the public service. Finally at the very top there is the fine distinction made regarding the suitability of the natives for revenue and judicial appointments, and within the Judicial service between suitability for higher appointments and for subordinate ones. Thus it would seem that in the different branches of the service a close examination reveals a diversity of problems and features, which might perhaps be blurred in treating the English educated Ceylonese in official employment as one homogeneous group. This is not to ignore the similarities presented by the study of the different branches. The similarities are patent enough. What is striking are the differences.

It would have been satisfying if at the end of this study some accurate estimate of the number of English educated Ceylonese employed in official capacities could have been given. To do so has not proved possible. However what can be indicated are the limits within which that number must be placed. The figures of pupils receiving instruction would have been a guide had any consistent ~~statistical~~ ~~series~~ been maintained. But though it is known that the total numbers in Government and aided schools swelled from a few thousand at the beginning

of our period to some 81,000 at the end, what portion of these were in English schools and colleges cannot be determined. This is the more unfortunate in that most of those in English schools were there with a view to eventually gaining public employment.

The most useful approach therefore seems to be to consider each of the Government services in turn. According to the census of 1881 there were about thirteen thousand employees in Government service, and some three thousand clerks and accountants employed in commercial concerns. How many then of the thirteen thousand can be assumed to belong to the English educated class? There were about thirteen hundred Clerks, two hundred Superior Headmen, one hundred and fifty medical men of various categories and some hundred or so subordinates in the Survey, Public Works and Railway Departments who might all safely considered to have possessed some effective knowledge of English. To these must be added a number of constables and sergeants in the police service, for whom a hundred would be a very modest figure. Among the minor Headmen and the Overseers there were certainly men acquainted with English, but these it is scarcely possible to estimate. Add to these ^{four}~~few~~ hundred and fifty Notaries and some three hundred Law~~y~~ers, and a total of some two thousand six hundred Ceylonese, educated in English and equipped in most cases

with some western professional or technical skills, is arrived at. With the total population of Ceylon of 2,759,738 at the 1881 census this gives about one person in a thousand who had entered the English-speaking western world and secured an official position in it. This figure seems likely to be an underestimate, but not perhaps a gross one. This was a very small grain of mustard seed but one from which the tree of independent Ceylon was in due course to grow.

APPENDIX A*CLASSIFICATION OF 232 HEADMEN OF DIFFERENT GRADES
AND

INTERPRETERS

Receiving Salaries in 1880

	Salaries ranging from Rs.			Judiciary Revenue Administ- ratio.
	Below 500	500 - 1000	1000 - 2000	
/Kachcheri Mudaliyars, District Mudaliyars, Ratemahatmayas				
Maniagars	93	77	12	
Udaiyars & Wanniyas and others				
Interpreters	4	41	5	
TOTAL	97	118	17	

/ There were in 1880 28 Kachcheri Mudaliyars, 29 District Mudaliyars, 46 Ratemahatmayas.

*From Blue Book for 1880 - C.O.59, 91. pp.227-345.

APPENDIX B

CERTAIN FEES PAID TO HEADMEN.

1. Kachcheri Mudaliyars, for, supplying certified copies of documents at 9d. for every 120 words, under Ordinance 12 of 1864. Ratemahatmayas, for, inspecting and reporting upon boundaries of lands sold, not exceeding £20, according to land sold. Interpreter Mudaliyars, Vidanes, Korale Arachchis, for sales held under Writs of Execution. Chief Headmen for duties of registering Birth, Deaths etc., 1s. to 3s. for different functions.
(C.O.54.464.93 Robinson to Kimberley 13/4/71).
2. Headmen received a percentage as commission for timber sold.
(C.O.54.468 Robinson to Kimberley 11/11/71).

APPENDIX II - A

Statement of Monthly wages of servants in 1849 and 1859.

	<u>1849</u>			<u>1859</u>		
	£	s.	d.	£	s.	d.
Cook	-	4	6	-	7	6
Maid Servant	-	3	-	-	6	-
Man Servant	-	4	6	-	7	6
Dhoby	-	7	6	-	12	6
	-	19	6	1	13	-

The Clerks pointed out that there was an increase of 70 per cent. "No clerk who has a family can conveniently manage his household without the above number of servants".

APPENDIX II - B

The Clerks submitted a statement of the average monthly expenditure of a clerk having a family of ten persons to support (including the servants).

	£	s.	d.
House Rent & Assessment Tax	1	15	-
Servants' wages & Dhoby	1	13	-
Board, fuel and light	5	10	-
Shoes and Clothing	-	15	-
Medical Aid & Medicines	-	7	6
Education of children	-	9	-
	10	9	6

APPENDIX II - C

A statement of the number of letters written in some of the leading offices in 1849 and 1858.

Colonial Secretary's Office	13,770	20,227
Treasurer's "	1,743	2,400
Commissioner of Stamps' "	350	684
Auditor General's "	554	1,690
Commissariat "	803	1,522
Government Agent's (Western Province) "	2,485	6,097
	<u>19,705</u>	<u>32,620</u>

APPENDIX II - D

A statement of the salaries under Government and in private employment of a few of those who had left Government service.

<u>In Government Service</u>		<u>In Private Employment</u>	
<u>Post</u>	<u>Salary</u> £	<u>Post</u>	<u>Salary</u> £
Sub-Collector	100	Sub Inspector, Telegraph Office	300
Draftsman	108	Head Draftsman, Railway	200
School Master	84	Armitage, Adam & Co.	200
Extra Clerk, Colonial Secretary's Office	40	Oriental Bank	120
- do - Audit Office	40	- do -	120
- do - - do -	40	Railway	100
- do - Royal Engineers Department	36	Oriental Bank	72
- do - - do -	40	Chartered Mercantile Bank	96
- do - Post Office	30	Clerk, Telegraph Office	100

APPENDIX III - E

The detailed scheme of classification as eventually sanctioned by the Secretary of State was as follows:

Group I - Clerks of all Revenue, Judicial and Scientific Departments divided into seventeen classes.

Class I - £300; II - £250; III - £200; IV - £180;
V - £170; VI - £160; VII - £150; IX - £130;
X - £120; XI - £110; XII - £100; XIII - £90;
XIV - £80; XV - £70; XVI - £60; XVII - £50.

Group II- Interpreters, Shroffs etc.

Class I - £250; II - £180; III - £140; IV - £120;
V - £100; VI - £90; VII - £80; VIII - £70;
IX - £60; X - £50.

(C.O.54.395.273 O'brien to Cardwell 16/12/64: Report of Sub-Committee of Legislative Council).

APPENDIX III - F

The alternative scheme of incremental scales of salary proposed by the Committee was as follows:

(a)	Those having	7 to 10 years service	-	an increase of	5%
(b)	"	"	10 to 15 years	"	" " "10%
(c)	"	"	15 to 20 years	"	" " "15%
(d)	After		20 years	"	" " "20%
(e)	For		25 years	"	" " "25%

Commencing immediately with the increments corresponding to their current service, the clerks were thenceforth successively to earn increments specified for each subsequent quinquennial period.

Appendix III. - The Distribution of Police Employees by Race,
Religion and Rank for the Years 1867 and 1880

TOTAL	NATIVE CHRISTIANS	Mohammedans from outside Ceylon - Not Malay.	Mohammedans of Ceylon	Malays	Hindus of India	Hindus - Ceylon	Buddhists of India etc.	Buddhists of Ceylon etc	Burghees - Mixed Descent	Other European + of Pure European Descent.	British.	Others	YEAR	
*667	121	27	39	*167	90	16	5	81	62	32	24	3	1867	Total No of Each Community.
1603	169	86	47	520	259	60	1	256	98	37	45	25	1880	
2	...	..	..	...	...	..	.	...	..	..	2	..	1867	Superintendants
4	...	..	..	...	...	..	.	...	..	..	4	..	1880	
2	...	..	..	...	...	..	.	...	..	2	..	..	1867	Asst Supdts.
5	...	..	..	...	...	..	.	...	1	1	3		1880	
14	...	..	..	...	...	..	.	...	4	8	2		1867	Inspectors
28	5	..	..	3	...	..	.	...	10	6	4		1880	
49	18	..	3	2	1	1	.	9	8	3	4		1867	Sergeants
208	18	.2	4	106	19	13	1	14	14	12	3	2	1880	
591	100	27	35	165	89	15	5	72	49	16	15	3	1867	Constables
1333	145	84	42	409	240	46	.	238	69	17	30	23	1880	
8	3	..	1	...	...	..	.	...	1	3	..	..	1867	Clerks
14	1	..	1	2	...	1	.	4	4	1	..	..	1880	

* These figures are not as in the Administrative Report for 1867. The total number of Malays is given as 197; sergeants as 79; and the total number of men and officers as 697. But these totals do not tally with the actual figures detailed in the Table.

Administrative Reports 1867 p.250

Admn. Rept

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